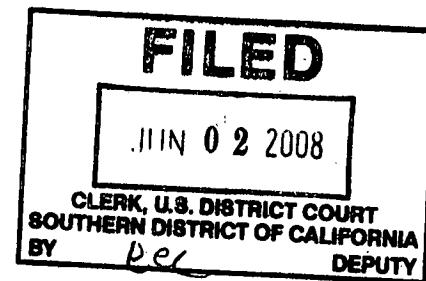


1 James-Francis: Murphy  
 2 In Care of Postal Department 234277  
 3 Encinitas, California 92023-4277  
 4 Tel: 760-230-2868  
 5 In Propria Persona (not Pro Se)



6 **UNITED STATES DISTRICT COURT**

7 **SOUTHERN DISTRICT OF CALIFORNIA**

8 **UNITED STATES OF AMERICA, ) Case No.: 08 CR 1196 W**

9 Plaintiff, )

10 Vs. )

11 JAMES FRANCIS MURPHY, )

12 Defendant. )

13 **NOTICE OF CAPACITY**

14 James-Francis: Murphy, Real Party in )  
 15 Interest, Third Party Intervener, Authorized )  
 16 Representative )

17 **NOTICE OF CAPACITY of James-Francis: Murphy**

18 Real Party in Interest appears specially and not generally and notices this court and all  
 19 officers therein of the capacity of defendant, and Real Party in Interest.

20 There are essentially three separate types of name designations. They are defined as  
 21 follows.

1. Spelling a name with upper and lower spelling such as "John Doe" is known as **Capitus Diminutio Minima**. This legal relation occurs when a man's family relations alone were changed.
2. Spelling a name with upper and lower spelling such as "John DOE" is known as **Capitus Diminutio Media**. This legal relation occurs when a man loses his rights of citizenship but not his rights to liberty. A man operating in this capacity can be fined or penalized but not enslaved or imprisoned.
3. Spelling a name with upper spelling such as "JOHN DOE" is known as **Capitus Diminutio Maxima**. This legal relation occurs when a man's condition changes from freedom to bondage. All rights of citizenship and family rights are surrendered. A man operating in this capacity can be fined, enslaved, imprisoned for any amount for any duration at State's suggestion.
4. The conditions of "JOHN DOE = **Capitus Diminutio Maxima**" and "John DOE = **Capitus Diminutio Media**" are tools used by the British Commercial venture in the American court system. However, since the British empire through its Crown (pick one, there are two) is the "prince elector and arch treasurer of the Holy Roman Empire" (Treaty of Peace 1783) the Crown is in a subsidiary relation to the Vatican (Holy Roman) Empire. Therefore, the United States and State courts are in fact subsidiaries of both the British and the Vatican (Holy Roman) Empires.
5. The **NAMED DEFENDANT** is operating in the capacity as **Capitus Diminutio Maxima** is a trust, is therefore a "PERSON" of unsound mind and has the least supportive contractual rights with no unalienable Rights.
6. The **Third Party Intervenor/Real Party in Interest** is operating in the capacity as **Capitus Diminutio Minima**, is NOT a trust, is the living sentient man, is not a fiction, is therefore a man of sound mind, cannot be deemed a ward of the court and has the greatest supportive contractual rights with complete unalienable Rights intact.

1       7. Why is this distinction important? A better question would be "Is it important to  
2       know and define one's Rights and duties so as to know how to act and operate in  
3       society?" Would a president of a corporation want to know his rights and duties  
4       before operating? Corporate president's have gone to prison for violating rules for  
5       which were simply unclear. What do you, the reader, think? Rights (unalienable or  
6       contractual) and duties in relation to legal relations should be very important to the  
7       average man if he intends to operate in any capacity as a person.

8       8. Most Public Attorneys state that the differences in capacity are not true because it  
9       was not covered in law school. They are partially correct. It was not covered in law  
10       school. However, the importance can mean the difference in jurisdiction (law form)  
11       establishing duties that were/are violated such that the man may unjustly pay the  
12       price of prison.

13       9. The fact that a name in all capital letters known as Capitus Diminutio Maxima is well  
14       known to writers in the private sector and governmental and can be illustrated  
15       simply by referring to the U.S. Government Style Manual. Capitus Diminutio  
16       Maxima, i.e. names in all capital letters, are fictions. Therefore, it appears to this  
17       writer that discussing or arguing a documented fact is not worth the time.

18       10. The reader is referred to the Constitution for the United States of America and  
19       directed to find any reference to "man." It is not to be found. However, the use of  
20       the word "person" is found many times and the writers of that instrument knew well  
21       that rights, duties and liabilities applied therein.

22       11. Therefore, it appears to this writer that what is worth discussing or arguing is what  
23       capacity applies to the man. If the man maintains an agreement within a fiction,  
24       Capitus Diminutio Maxima, then his rights and duties apply and are diminished  
25       therein.

12. The case of *Osborn v. Bank of the United States*, 22 U.S. 738, illustrates this  
1 relation well. "But if the plain dictates of our senses be relied on, what state of facts  
2 have we exhibited here? Making a person makes a case; and thus, a government  
3 which cannot exercise jurisdiction unless an alien or citizen of another State be a  
4 party, makes a party which is neither alien nor citizen, and then claims jurisdiction  
5 because it has made a case. If this be true, why not make every citizen a  
6 corporation sole and thus bring them all into the Courts of the United States quo  
7 minus?" In other words why not legally tie the man down, assign a Public Attorney  
8 to represent the fiction (*Capitus Diminutio Maxima*), and force the man into a  
9 diminished capacity and then close the man's mouth and have the court then  
10 presume that he is a ward of the court for having "taken" an attorney and treat the  
11 man as a "person of unsound mind."

13. People have been killed for less. Revolutions have been fought over these issues.  
14 Attorneys in San Francisco have been murdered for forcing such sophistries upon  
15 the common man.

16. Real Party in Interest has no such violent intentions but notes the actions of less  
17 biblically schooled persons and Public Attorneys who have paid such trespass with  
18 great cost.

19. Real Party in Interest maintains the legal relation to the defendant as that of owner  
20 as Real Party in Interest once maintained a relation of grantor, co-fiduciary and co-  
21 beneficiary to said PERSON. Now that Real Party in Interest has revested title to said  
22 defendant, **Exhibits not available because private property seized by the**  
23 **Plaintiff** (revesting documents), and see memorandum in support of this notice,  
24 Real Party in Interest now only has the legal relation as owner of the trust res of  
25 said named defendant which now only exists as a transmitting utility, **Exhibit not**  
**available because private property seized by the Plaintiff** (Security

Agreement). See Exhibit 1( Certified copy of UCC-1) and Exhibit 2 ( Certified copy of UCC-3) from the California Secretary of State.

16. Therefore, be it resolved that unless the court, judge, and the various Public Officers and Public Attorneys can demonstrate evidence to the contrary Real Party in Interest is simply a man operating in the capacity as Capitus Diminutio Minima and the named defendant is Capitus Diminutio Maxima and owned by Real Party in Interest.

17. Therefore, it appears to this court, by default, that the man known as James-Francis: Murphy can settle any liability for either party (DEFENDANT or Real Party in Interest) through commercial remedies as all crimes are commercial. See 27 CFR 72.11 and the Hobbs Act. And for any State action the federal laws of commercial settlement in relation to crimes alleged can be settled as well, as all STATES are subsidiaries of the UNITED STATES, see *Dvett v. Turner*, 439 P2d 266.

RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of June, 2008,

James-Francis: Murphy  
Authorized Representative

**CERTIFICATE OF SERVICE**

COPY of the foregoing hand delivered,  
This 2<sup>nd</sup> day of June, 2008, to:  
U. S. Assistant Attorney Fred Sheppard  
880 Front Street Room 6293  
San Diego, CA  
619-557-5610

Service performed by:  
James-Francis: Murphy  
In Care of Postal Department 234277  
Encinitas, California 92023-4277  
Tel: 760-230-2868  
In Propria Persona (not Pro Se)

1 James-Francis: Murphy,  
2 In Care of Postal Department 234277  
3 San Diego, the county *SD*  
4 Encinitas, California, on the land **92023-4277**  
5 Tel. No. - 760-230-2868  
6 In Propria Persona (not Pro Se)  
7  
8  
9

10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**  
12

13 **UNITED STATES OF AMERICA** ) **CASE NO.08 CR 1196 W**

14 PLAINTIFF, )

15 v. )

16 JAMES FRANCIS MURPHY )

**LIST OF EXHIBITS**

17 Defendant, )

18 \_\_\_\_\_ )

19 James-Francis: Murphy )

20 Third Party Intervener, )

21 Real Party in Interest, )

22 Authorized Representative )

23 Exhibit 1 Certified Copy of UCC-1

24 Exhibit 2 Certified Copy of UCC-3

25

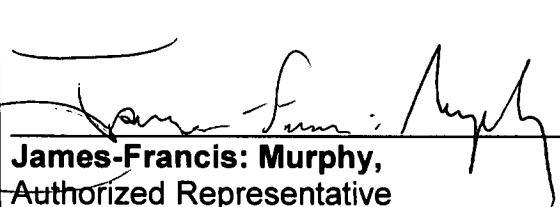
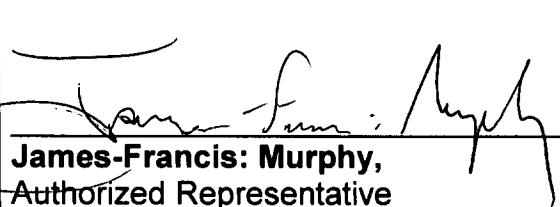
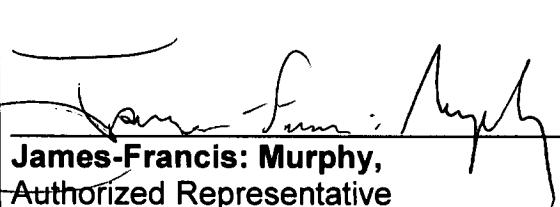
26

27

28

29

30 Respectfully submitted June 2, 2008,

31   
32   
33   
34 **James-Francis: Murphy,**  
35 Authorized Representative

1 **CERTIFICATE OF SERVICE**

2  
3 COPY of the forgoing hand delivered,  
4 This 2nd day of June, 2008, to:  
5 U. S. Assistant Attorney Fred Sheppard  
6 880 Front Street Room 6293  
7 San Diego, CA  
8 619-557-5610  
9

10 \_\_\_\_\_  
11  
12 Service performed by:  
13 James-Francis: Murphy *James - Francis Murphy, Attorney* Representative  
14 In Care of Postal Department 234277  
15 San Diego: the county *San*  
16 Encinitas, California: on the land **92023-4277**  
17 Tel. - 760-230-2868  
18

**EXHIBIT 1**  
**Page #**       

**Description of Exhibit Certified copy of UCC-1**

**Total Number of Pages of Exhibit 5**

# State of California

Secretary of State

I, **Debra Bowen**, Secretary of State of the State of California, hereby certify:

That the attached transcript of 4 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.



**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of

May 14, 2008

A handwritten signature in black ink that reads "Debra Bowen".

Secretary of State

FILE # 077135020126

## UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME &amp; PHONE OF CONTACT AT FILER (optional)

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

James-Francis: Murphy  
 c/o 807 Hymettus Avenue  
 Encinitas, California state Republic  
 Zip Code Exempt 807-1-3(e)(2)

07-7135020126

10/26/2007 17:00

FILED

CALIFORNIA  
SECRETARY OF STATE

SOS

14681170003 UCC 1 FILING

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME JAMES FRANCIS MURPHY, JR.

OR 1b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

1c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

807 HYMETTUS AVENUE

ENCINITAS

CA

92024

US

1d. TAX ID #: SSN OR EIN ADD'L INFO RE 1e. TYPE OF ORGANIZATION 1f. JURISDICTION OF ORGANIZATION 1g. ORGANIZATIONAL ID #, if any

ORGANIZATION DEBTOR DBA USA  NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR 2b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

2c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

2d. TAX ID #: SSN OR EIN ADD'L INFO RE 2e. TYPE OF ORGANIZATION 2f. JURISDICTION OF ORGANIZATION 2g. ORGANIZATIONAL ID #, if any

ORGANIZATION DEBTOR DBA USA  NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - Insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME

OR 3b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

Murphy

James

Francis

3c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

c/o 807 Hymettus Avenue

Encinitas

Ca

[92024]

US

4. This FINANCING STATEMENT covers the following collateral:

This is actual and constructive notice that all of DEBTOR'S interest now held or hereafter acquired is hereby accepted as collateral for securing contractual obligation in favor of the Secured Party as detailed in a true, correct, and complete notarized security agreement (SA# 10411196106122007-JFM) in the possession of the Secured Party. NOTICE: In accordance with various USC sections RE: PROPERTY- this is the entry of the DEBTOR in the commercial registry as a transmitting utility and the following property is hereby registered in the same as public notice of a commercial transaction:

CHRISTINE MURPHY

DENINE CHRISTINE MURPHY

REBEKAH GRACE MURPHY

BRIDGET ROSE MURPHY

KATHERINE GENINE MURPHY

1992 Lexus SC300 Red, 2-door coupe, VIN J18jz31c0n0001319, title #02127010782

1997 Chrysler Town &amp; Country LXI, White Van, VIN 1c4gp6414vb489807

Application for Social Security Number [REDACTED]

(COLLATERAL ITEMIZATION CONTINUED ON UCC FINANCING STATEMENT ADDENDUM)

5. ALTERNATIVE DESIGNATION (if applicable) LESSEE/LESSOR CONSIGNEE/CONSIGNOR BAILEE/BAILOR SELLER/BUYER AG. LIEN NON-UCC FILING

6.  This FINANCING STATEMENT is to be filed (or record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum  Check to REQUEST SEARCH REPORT(S) on Debtor(s) (if applicable) (ADDITIONAL FEE)  (optional) All Debtors  Debtor 1  Debtor 2

8. OPTIONAL FILER REFERENCE DATA

All rights Reserved Secured Party: James-Francis: Murphy

**UCC FINANCING STATEMENT ADDENDUM**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

**9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT**1a. ORGANIZATION'S NAME **JAMES FRANCIS MURPHY, JR.**

OR

1b. INDIVIDUAL'S LAST NAME  FIRST NAME  MIDDLE NAME SUFFIX **10. MISCELLANEOUS:**

See Attachment

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

**11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one name (11a or 11b) - do not abbreviate or combine names**11a. ORGANIZATION'S NAME OR 11b. INDIVIDUAL'S LAST NAME  FIRST NAME  MIDDLE NAME  SUFFIX 11c. MAILING ADDRESS  CITY  STATE  POSTAL CODE  COUNTRY 11d. TAX ID # SSN OR EIN  ADD'L INFO RE ORGANIZATION DEBTOR  11e. TYPE OF ORGANIZATION  11f. JURISDICTION OF ORGANIZATION  11g. ORGANIZATIONAL ID #, if any   **NONE****12. ADDITIONAL SECURED PARTY'S OR ASSIGNOR S/P'S NAME - Insert only one name (12a or 12b)**12a. ORGANIZATION'S NAME OR 12b. INDIVIDUAL'S LAST NAME  FIRST NAME  MIDDLE NAME  SUFFIX 12c. MAILING ADDRESS  CITY  STATE  POSTAL CODE  COUNTRY 13. This FINANCING STATEMENT covers  timber to be cut or  as-extracted collateral, or is filed as a  fixture filing.

## 16. Additional collateral description:

Certificate of Live Birth #DC765344 BIRTH NO. 61 8347

Exemption Identification Registered Mail Sticker Numbers: RA 445 488 448 US; RA  US

All property is accepted for value and is exempt from levy. Adjustment of this filing is from Public Policy HJR-192, dated June 5, 1933, Public Law 73-10, and UCC 10-104. All proceeds, products, accounts, fixtures, and the order therefrom are released to the debtor.

JAMES FRANCIS MURPHY, JR.- DEBTOR

**15. Name and address of a RECORD OWNER of above-described real estate (If Debtor does not have a record interest):**

## 17. Check only if applicable and check only one box.

Debtor is a  Trust or  Trustee acting with respect to property held in trust or  Decedent's Estate

## 18. Check only if applicable and check only one box.

 Debtor is a TRANSMITTING UTILITY Filed in connection with a Manufactured-Home Transaction -- effective 30 years Filed in connection with a Public-Finance Transaction -- effective 30 years

14661170003

## CERTIFICATION OF VITAL RECORD

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
CERTIFICATE OF LIVE BIRTH

1961 APR 26

DISTRICT OF COLUMBIA DEPARTMENT OF PUBLIC HEALTH  
CERTIFICATE OF LIVE BIRTH

BIRTH NO.

61 8347

1. PLACE OF BIRTH Washington, D. C.		Name of Hospital or Institution (If not in Hospital, give street and 'res') Columbia Hospital	
2. USUAL RESIDENCE OF MOTHER (Where does mother live?) a. State D. C. b. County c. City, Town, or Location Washington		d. Street Address 200 Rhode Island Avenue, N. E.	
		e. Is Residence Inside City Limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> f. Is Residence on a Farm? <input type="checkbox"/> Yes <input type="checkbox"/> No	
CHILD			
3. CHILD'S NAME (First) James		(Middle) Francis	(Last) Murphy, Jr.
4. SEX Male <input checked="" type="checkbox"/> Female <input type="checkbox"/>		5. IN THIS BIRTH Single <input checked="" type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>	6. DATE OF BIRTH April 11, 1961
FATHER OF CHILD			
7. NAME (First) James		(Middle) Francis	(Last) Murphy
8. COLOR OR RACE White		9. KIND OF BUSINESS OR INDUSTRY Electrical Engineer Dept. of Defense	
10. AGE (At time of this birth) 28 YEARS		11. BIRTHPLACE (State or foreign country) Ohio	
12. MAIDEN NAME Margaret		13. COLOR OR RACE White	
14. AGE (At time of this birth) 29 YEARS		15. BIRTHPLACE (State or foreign country) D. C.	
16. INFORMANT (full name) Margaret Murphy		17. CHILDREN PREVIOUSLY BORN TO THIS MOTHER (Do NOT include this child) a. How many OTHER children are now living? 0 b. How many OTHER children were born alive but are now dead? 0 c. How many children were stillborn (born dead after 20 weeks pregnancy)? 0	
18. NAME Mrs. James F. Murphy		19. ADDRESS 200 Rhode Island Ave., N. E.	
20. CITY Washington		P. O. Zone D. C.	
I hereby certify that this child was born alive on the date stated above at the hour of 6:51 A.M.			
18. SIGNATURE Julia E. Davidson-Randall, M.D.			
19. ADDRESS 1001 Eye St., N. W.			
20. DATE SIGNED 4-14-61			

DC765344

This is to certify that this is a true and correct reproduction or abstract of the official record filed with the Vital Records Division, Department of Health, District of Columbia.

DATE ISSUED

AUGUST 16, 2007

Julia E. Davidson-Randall

Julia E. Davidson-Randall, Registrar

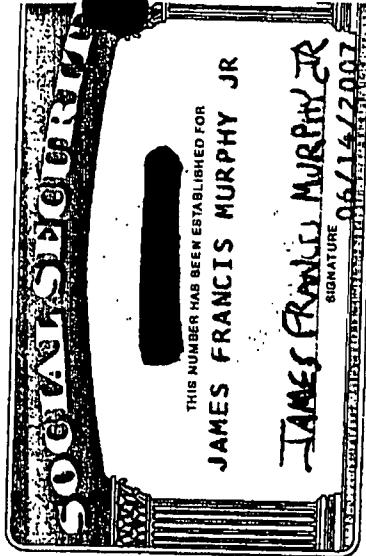
WARNING: IT IS UNLAWFUL TO MAKE COPIES OF THIS DOCUMENT AND PRESENT THEM AS AN OFFICIAL COPY OF AN ORIGINAL CERTIFICATE.

14661170003

Keep this stub with your personal records. The other side contains important information.

Please note: The date we issued this card is shown below the signature line.

JAMES FRANCIS MURPHY  
807 HYMETTUS AVENUE  
ENCINITAS CA [REDACTED]



### YOUR SOCIAL SECURITY CARD

Improper use of this card or number by anyone is punishable by fine, imprisonment or both. If you believe someone is using your Social Security number fraudulently, call the Social Security Fraud Hotline at 1-800-269-0271 AND notify the Federal Trade Commission at 1-877-438-4338 or online at [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft).

This card belongs to the Social Security Administration and you must return it if we ask for it.

If you find a card that isn't yours, please return it to:

Social Security Administration  
P.O. Box 33008, Baltimore, MD [REDACTED]

For any other Social Security business/information, contact your local Social Security office. If you write to the above address for any business other than returning a found card, you will not receive a response.

Social Security Administration  
Form SSA-3080 (11-2006)

1466117003

ADULTS: Sign this card in ink immediately.  
CHILDREN: Do not sign until age 18 or your first job, whichever is earlier.  
Keep your card in a safe place to prevent loss or theft.  
DO NOT CARRY THIS CARD WITH YOU.  
Do not laminate.

THE Social Security number shown on your card is yours alone. Do not allow others to use your number in a safe place in case your card is lost or stolen. Protect both your card and your number to prevent their misuse.  
You should contact us to update your Social Security number and benefit record (if you are entitled) if your name, your U.S. citizenship status, or your status as an alien in the U.S. changes. You will need to file an application for a replacement Social Security card and provide proof of your identity, and we may request other evidence supporting the change.  
Show your card to your employer when you start a new job. Make sure your employer uses the same last name and number exactly as it is shown on your Social Security card so we can record your earnings correctly. Some private organizations use Social Security numbers for record keeping purposes. Such use is neither required nor prohibited by Federal law. The use of your Social Security number by such an organization is its own records is a private matter between you and the organization. Private organizations cannot get information from your Social Security record just because they know your number.  
Any government agency that asks for your number must tell you, whether giving it is mandatory. If you are an alien without permission to work in the U.S., your Social Security card will be marked "NO VALID FOR EMPLOYMENT." We will notify U.S. immigration officials if you use the number to work for an employer legally in the U.S. with temporary permission to work. Your Social Security card will be marked "VALID FOR WORK ONLY WITH DHS AUTHORIZATION." If you show this card to a potential employer as evidence of employment eligibility, you will also have to show your U.S. immigration documents authorizing employment.  
You should contact Social Security right away for benefits if you become disabled, reach retirement age or are about to attain age 65.

You can reach us at 1-800-772-1213 or through our website at [www.socialsecurity.gov](http://www.socialsecurity.gov).

## **EXHIBIT 2**

### **Page #**

**Description of Exhibit Certified copy of UCC-3**

**Total Number of Pages of Exhibit 57**

# State of California

Secretary of State

I, **Debra Bowen**, Secretary of State of the State of California, hereby certify:

That the attached transcript of 56 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.



**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of

May 14, 2008

---

A handwritten signature in cursive script that reads "Debra Bowen".

Secretary of State

FILE # 0771402962

**UCC FINANCING STATEMENT AMENDMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME &amp; PHONE OF CONTACT AT FILER (optional)

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

James-Francis: Murphy  
 c/o 807 Hymettus Avenue  
 Encinitas, California state Republic  
 Zip Code exempt- DMM 602-1-3(e)(2)

**07-71402962****12/11/2007 17:00****FILED**CALIFORNIA  
SECRETARY OF STATE

SOS



15186650002 UCC 3 FILING

**THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY**1a. INITIAL FINANCING STATEMENT FILE #  
0771350201261b. This FINANCING STATEMENT AMENDMENT is  
 to be filed (or record) (or recorded) in the  
 REAL ESTATE RECORDS.2.  TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.3.  CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.4.  ASSIGNMENT (full or partial): Give name of assignee in Item 7a or 7b and address of assignee in Item 7c; and also give name of assignor in Item 8.5. AMENDMENT (PARTY INFORMATION): This Amendment affects  Debtor or  Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in Items 6 and/or 7.

CHANGE name and/or address: Give current record name in Item 6a or 6b; also give new  DELETE name: Give record name  ADD name: Complete item 7a or 7b, and also name (if name change) in Item 7a or 7b and/or new address (if address change) in Item 7c.

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME			
OR 6b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
Murphy	James	Francis	

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME			
OR 7b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
Murphy	James-Francis		

7c. MAILING ADDRESS

c/o 807 Hymettus Avenue	CITY	STATE	POSTAL CODE	COUNTRY
	Encinitas	Ca	(92024)	uS

7d. TAX ID #: SSN OR EIN  ADDL INFO RE ORGANIZATION DEBTOR

7e. TYPE OF ORGANIZATION

7f. JURISDICTION OF ORGANIZATION

7g. ORGANIZATIONAL ID #, if any

 NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral  deleted or  added, or give entire  restated collateral description, or describe collateral  assigned.9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here  and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME			
OR 9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

10. OPTIONAL FILER REFERENCE DATA

All Rights Reserved

Secured Party: *James-Francis: Murphy*

**UCC FINANCING STATEMENT AMENDMENT ADDENDUM****FOLLOW INSTRUCTIONS (front and back) CAREFULLY**11. INITIAL FINANCING STATEMENT FILE # (same as item 1a on Amendment form)  
077135020126

12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)

12a. ORGANIZATION'S NAME

OR 12b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME/SUFFIX  
Murphy James Francis

13. Use this space for additional information

**THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY**

Actual name and address of Secured Party is:

James-Francis: Murphy  
c/o 807 Hymettus Avenue  
Encinitas, California state Republic  
Zip Code exempt- DMM 802-1-3(e)(2)

A list of attachments included are as follows:

- 1) Affidavit of Corporate Denial (22 pgs)
- 2) Affidavit of Non Corporate Status (2 pgs)
- 3) Affidavit of Sub Juris/Sovereign Status (18 pgs)
- 4) Affidavit and Declaration (4pgs)
- 5) Revocation of Power of Attorney (1 pg)
- 6) Oath of Allegiance (1pg)

Each of the six documents listed above is accompanied with a specific CALIFORNIA COPY CERTIFICATION BY DOCUMENT CUSTODIAN.

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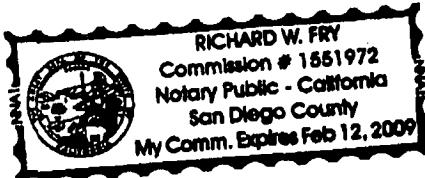
**CALIFORNIA COPY CERTIFICATION BY DOCUMENT CUSTODIAN**

State of California

County of San Diego

} ss.

I, James-Francis: Murphy, hereby swear (or affirm) that the attached reproduction  
 of Affidavit of Corporate Denial is a true, correct, and complete  
 photocopy of a document in my possession.



Place Notary Seal Above

Subscribed and sworn to (or affirmed) before me on  
 this 12<sup>th</sup> day of June, 2007, by

Date

Month

James-Francis: Murphy

Name of Custodian of Original Document

personally known to me  
 proved to me on the basis of satisfactory evidence  
 to be one of the People who appeared before me.

Signature of Notary Public

**OPTIONAL**

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document Copy**Title or Type of Document: Affidavit of Corporate DenialDocument Date: May 26, 2007 Identifying No.: \_\_\_\_\_ No. of Pages: 22

Signer(s) or Issuing Agency: \_\_\_\_\_

**Capacity Claimed by Custodian** Individual  Attorney  Trustee  Business Proprietor or Manager Corporate Officer - Title: \_\_\_\_\_ University or School Officer - Title: \_\_\_\_\_ Governmental Officer or Agent - Title: \_\_\_\_\_ One of the People (Sovereign, sentient being)

Custodian is Representing: \_\_\_\_\_

Right - Thumbprint Of Custodian
Top of thumb here

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Last Revision 06-12-2006

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## 1 AFFIDAVIT OF CORPORATE DENIAL

This sworn statement is a declaratory presentment to the Judicial Branch of the United States, the Internal Revenue Service (IRS), the Franchise Tax Board (FTB), and the Social Security Administration (SSA) of the firm and complete denial that I, the Affiant, James-Francis: Murphy, the Living Soul, have ever, with full knowledge and awareness:

1. Voluntarily through written contract, or constructively by my actions consented, agreed, or, accepted any government benefit, privilege, or entitlement that might result in a surrender of my constitutionally guaranteed rights at any time.
2. Agreed to act as an agent, "employee," contractor, or "officer" for the United States government, a federal corporation, as defined under 28 U.S.C. § 3002(15)(A), or any of its subordinate business entities such as the Social Security Administration or the IRS.

"Corporations are also of all grades, and made for varied objects; all governments are corporations, created by usage and common consent, or grants and charters which create a body politic for prescribed purposes; but whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of power, they are all governed by the same rules of law, as to the construction and the obligation of the instrument by which the incorporation is made. One universal rule of law protects persons and property. It is a fundamental principle of the common law of England, that the term freemen of the kingdom, includes 'all persons,' ecclesiastical and temporal, Incorporate, politique or natural; It is a part of their magna charta (2 Inst. 4), and is incorporated into our institutions. The persons of the members of corporations are on the same footing of protection as other persons, and their corporate property secured by the same laws which protect that of individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law, is a principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal government, by the amendments to the constitution."

Proprietors of Charles River Bridge v. Proprietors of, 36 U.S.C. 420 (1837)

3. Agreed or consented to be treated as an "officer of a [federal] corporation" under any of the following:
  - 3.1. 26 U.S.C. § 6671(b).
  - 3.2. 26 U.S.C. § 7343.
  - 3.3. Federal Rule of Civil Procedure Rule 17(b).
4. Agreed to be treated as a "public officer" engaged in a "trade or business," which is defined in 26 U.S.C. § 7701(a)(26) as "the functions of a public office."
5. Agreed or consented to be a "taxpayer," which under Subtitle A of the Internal Revenue Code is a person engaged in a "trade or business" as defined in 26 U.S.C. § 7701(a)(26).
6. Agreed or consented to have any portion of the Internal Revenue Code cited or enforced against me, the natural person, who is a "non taxpayer" and not subject to it:

"Revenue Laws relate to taxpayers [officers, employees, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law. With them [non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws." [Economy Plumbing & Heating v. U.S., 470 F2d. 585 (1972)]

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7. Waived my Constitutionally guaranteed right to be protected by the requirement for implementing regulations found in 44 U.S.C. § 1505(a)(1) and 5 U.S.C. § 553(a). According to these positive law statutes, the requirement for implementing regulations published in the Federal Register for all statutes which prescribe a penalty is waived in the case of federal employees, contracts, public officers, federal agencies, the military, and federal benefit recipients, which group(s) I am not a part.
8. Agreed to be treated as an "individual," as defined in 5 U.S.C. § 552a(a)(2), in which a person with a domicile in the "United States," which is geographically defined as the District of Columbia in 26 U.S.C. § 7701(a)(9) and 26 U.S.C. § 7701(a)(10).

It has come to my attention that the IRS, & the SSA, and the federal courts, and the Franchise Tax Board (FTB) have willfully made injurious "presumptions" which prejudice my Constitutionally guaranteed rights by trying to associate me with the "idem sonans," JAMES F. MURPHY, which is the all caps version of my Christian name associated with a "public office" in the United States government by virtue of the Social Security number attached to it:

**Idem sonans.** Sounding the same or alike; having the same sound. A term applied to names which are substantially the same, though slightly varied in the spelling, as "Lawrence" and "Lawrance," and the like. *State v. Culbertson*, 6 N.C. App. 327, 170 S.E. 2d 125, 127. Under the rule of "idem sonans," variance between allegation and proof of a given name is not material if the names sound the same of the attentive ear finds difficulty in distinguishing between them when pronounced. *Martin v. State*, Tx.Cr.App., 541 S.W.2d 605, 606.

Two names are said to be "idem sonans" if the attentive ear finds difficulty in distinguishing them when pronounced, or if common and long continued usage has by corruption or abbreviation made them identical in pronunciation. The rule of "idem sonans" is that absolute accuracy in spelling names is not required in a legal document or proceedings either civil or criminal; that if the name, as spelled in the document though different from the correct spelling thereof, conveys the ear, when pronounced according to the commonly accepted methods, a sound practically identical with the correct name as commonly pronounced, the name thus given is a sufficient identification of the individual referred to, and no advantage can be taken of the clerical error. The doctrine of "idem sonans" has been much enlarged by decisions, to conform to the growing rule that a variance, to be material, must be such as has misled the opposite party to his prejudice.

[Black's Law Dictionary, Sixth, pp. 744-745.]

I do not consent to act on behalf of the social security "trustee," federal "employee" or benefit recipient, JAMES F. MURPHY, who is the all caps version of my Christian name. I have revoked and renounced and rescinded any evidence and documentation in the possession of any government which might attempt to prove otherwise. The entity, JAMES F. MURPHY, consisting of the all caps version of my Christian name is not me. I have no nexus with that entity. The burden of proving otherwise now rests upon you, the recipient of this Affidavit. You have thirty (30) days to provide evidence to the contrary or be found in default. The burden of proof under 26 U.S.C. § 7491 only shifts to me if I am a "taxpayer," which I declare under penalty of perjury that I am not. Therefore, the Constitution places the burden of proof back on the government, as required by the Administrative Procedures Act, 5 U.S.C. § 556(d).

The fraudulent conversion of the natural man, the living Soul, into an officer of a federal corporation is accomplished as documented by Federal and State Rules of Civil

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Procedure. Particular reference herein is found in the Texas Rules of Civil Procedure, Rule 52, "Alleging a Corporation." Rule 52 states

"An allegation that a corporation is incorporated shall be taken as true, unless denied by the affidavit of the adverse party, his agent or attorney, whether such corporation is a public or private corporation and however created."  
 [Texas Rules of Civil Procedure, Rule 52.]

In the case of Galleria Bank v. Southwest Properties, 498 Southwest 2d, there is the stipulation that

"The failure of an adverse party to deny under oath the allegation that he is incorporated with the necessity of proof of the fact [it becomes part of the official record]."  
 [Galleria Bank v. Southwest Properties, 498 S.W.2d]

Based on the foregoing, it is now clearly evident that the IRS and the federal courts have:

1. Intentionally, willfully, with malice aforethought, and with intent to deceive, proceeded in all its collection and enforcement actions as against the all capital letter name and Social Security Number associated with the fictitious federal "employee" or agent.
2. Presumed the all capital letters name is a federal "employee" and "officer of a corporation" under 26 U.S.C. § 6671(b) and 26 U.S.C. § 7343, who is privileged by virtue of federal employment and agency. The existence of such "privilege," in fact, is the means of manufacturing liability to taxation under Subtitle A of the Internal Revenue Code.
3. "Presumed" that Affiant, the natural man, the Living Soul, has agreed or consented to act as fiduciary for the all caps federal "employee":

"It is apparent', this court said in the Bailey Case ( 219 U.S. 239, 31 S. Ct. 145, 151) 'that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions.' If a legislative body is without power to enact as a rule of evidence a statute denying a litigant the right to prove the facts of his case, certainly the power cannot be made to emerge by putting the enactment in the guise of a rule of substantive law." [Heiner v. Donnan, 285 U.S. 312 (1932)]

4. Not explained or revealed, but instead have consistently concealed, the above presumptions and kept them from being documented in rulings of the federal courts so as to preserve and protect the organized extortion and racketeering that ensures the flow of plunder into their checking accounts and their retirement plans. This is racketeering in violation of 18 U.S.C. § 1951. The only way it would not be racketeering is if I consented to do it, which I do not.
5. By associating the natural man with the all caps federal "employee," subjected the natural man to the law for the domicile of the corporation that he allegedly represents under Federal Rule of Civil Procedure rule 17(b). This has effected the equivalent of kidnapping in violation of 18 U.S.C. § 1201. It is also the equivalent of identity theft.
6. Placed the domicile of the federal "employee" in the District of Columbia, as required under the following authorities:

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- 6.1. 4 U.S.C. § 72
- 6.2. 26 U.S.C. § 7701(a) (9) and 26 U.S.C. § 7701(a)(10).
- 6.3. 26 U.S.C. § 7701(a)(39).
- 6.4. 26 U.S.C. § 7408(c).
- 7. Made the all caps strawman and the SSN associated with him surety for the debts of the federal government. The Bible says that Christians (of which austere group Affiant is honored to be numbered), CANNOT be surety for the debts of any third party:

My son, if thou be surety for thy friend, if thou hast stricken thy hand with a stranger, Thou art snared with the words of thy mouth, thou art taken with the words of thy mouth. Do this now, my son, and deliver thyself, when thou art come into the hand of thy friend; go, humble thyself, and make sure thy friend. Give not sleep to thine eyes, nor slumber to thine eyelids. Deliver thyself as a roe from the hand of the hunter, and as a bird from the hand of the fowler. [Proverbs 6:1-5 KJV]

A man void of understanding striketh hands, and becometh surety in the presence of his friend. [Proverbs 17:18 KJV.]

He who is surety for a stranger will suffer, But one who hates being surety is secure. [Proverbs 11:15 NKJV.]

The Social Security Number that is associated with the all caps name is therefore based upon a constructive trust contract created by the SS-5 Form. Such a relationship is unenforceable as a contract without informed consent, full disclosure of terms, conditions, definitions, and consent beyond the age of majority. Children do not meet that qualification and as a result, the entire SSN contract, created as a child is voidable ab initio from the date it was created.

I am not a party made liable for the federal income tax from the Legislative Intent of the 16<sup>th</sup> Amendment written by President William H. Taft and published in the Congressional Record of the United States Senate on pages 3344-3345. I am not subject to the exclusive jurisdiction of the federal government or any Federal Judicial or Internal Revenue District. I am not a federal "employee," "federal personnel" under 5 U.S.C. § 552a(a)(13), nor is there a contractual agreement which can arise from requesting an SSN. This was confirmed by the U.S. Supreme Court, which said on the matter:

"...railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time." [United States Railroad Retirement Board v. Fritz, 449 US 166 (1980).]

"We must conclude that a person covered by the Act has not such a right in benefit payments... as would make every defeasance of "accrued" interests violative of the Due Process Clause of the Fifth Amendment. This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint." [Flemming vs Nestor, 363 US 603 (1960)]

Because participation in the Social Security Program does not satisfy all the requirements for a valid legal contract, any attempt to enforce the payment of "taxes" resulting from participation in it without at least providing legally admissible proof of informed consent from a person who has reached the age of consent amounts to:

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1. Theft, if the participant did not provide informed consent to participate. Consequently, any money accepted under the program by the federal government becomes an act of "receiving stolen property" in violation of 18 U.S.C. § 662.
2. Constructive Fraud in violation of 18 U.S.C. § 1001. The government is "pretending" that you qualified to participate when they know, in fact, that you do not and did not ever so qualify. The result of fraudulent activity of this nature is the following:
  - 2.1. If the fraud produces a contractual obligation, then the contract is void ab initio (from the beginning) if the injured party explicitly voids it:

American Jurisprudence, 2d [legal encyclopedia]  
 Fraud and Deceit  
 § Effect

Fraud vitiates every transaction and all contracts. 7 Indeed, the principle is often stated, in broad and sweeping language, that fraud destroys the validity of everything into which it enters, and that it vitiates the most solemn contracts, documents, and even judgments. 8 Fraud, as it is sometimes said, vitiates every act, which statement embodies a thoroughly sound doctrine when it is properly applied to the subject matter in controversy and to the parties thereto and in a proper forum. 9 As a general rule, fraud will vitiate a contract notwithstanding that it contains a provision to the effect that no representations have been made as an inducement to enter into it, or that either party shall be bound by any representation not contained therein, or a similar provision attempting to nullify extraneous representations. Such provisions do not, in most jurisdictions, preclude a charge of fraud based on oral representations. 10

It is a general rule in the law of contracts, however, that an agreement induced by fraud is voidable 11 and not void, 12 although the rule laid down in some cases is that fraud in the factum or execution renders the agreement void, whereas fraud in the treaty or inducement renders it merely voidable. 13 Fraudulent representations, to avoid a contract, need not be such as would sustain an indictment for false pretenses. 14 In preventing actual consent, fraud may be as effectual as mistake or a want of capacity; and where such is the fact in dealing with ordinary contracts, its effect is to vitiate and invalidate them. 15 Ordinarily, however, a contract induced by fraud is voidable at the option of the person defrauded, who must take affirmative action for relief. 16 Generally speaking, the right to avoid a contract induced by fraud must be exercised before the rights of third parties have intervened. 17

Fraudulent misrepresentations may operate as an estoppel in pais, whereby the fraudulent person is precluded from denying a statement which another has relied upon to his injury. 18 As respects fraud in law, that is, constructive fraud as contradistinguished from fraud in fact, or actual fraud, where that which is valid can be separated from that which is invalid without defeating the general intent, the maxim, "void in part, void in toto," does not necessarily apply, and the transaction may be sustained notwithstanding the invalidity of a particular provision. 19 If an original transaction is valid, it cannot be rendered fraudulent by subsequent events, 20 as by the mere nonperformance of a contract, 1 unless, under the rule in force in the majority of jurisdictions, there is a coexisting intention not to perform. 2 In the event of a controversy between the parties regarding fraud in the contract, a "valid" contract is what a court acting with jurisdiction says it is. 3

A person does not, by attempting to defraud another, forfeit his property to the latter. 4 [37 Am.Jur.2d, Fraud and Deceit, Section 8]

- 2.2. The person who earned the moneys fraudulently procured by the government has a legal right to recover them:

"Dolus auctoris non nocet successori."  
 The fraud of a possessor does not prejudice the successor.  
 [Bouvier's Maxims of Law, 1856]

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**2.3. The act of fraud and all the consequences of the act never legally happened. That means the Social Security Number you falsely believe was issued to you was never actually issued:**

"Ex dolo malo non orbitur action."  
Out of fraud no action arises. Cowper, 343; Broom's Max. 349.  
[Bouvier's Maxims of Law, 1856]

**2.4. Any act by any government servant to conceal the fraud becomes an act of fraud:**

"Fraus est celare fraudem."  
It is a fraud to conceal a fraud. 1 Verm. 270.  
[Bouvier's Maxims of Law, 1856]

**2.5. Fraud is inexcusable and unpardonable:**

"Fraust et dolus nemini patroclanari debent."  
Fraud and deceit should excuse no man. 3 Co. 78.  
[Bouvier's Maxims of Law, 1856]

**2.6. Fraud amounts to an injustice:**

"Fraus et jus numquam cohabitant."  
Fraud and justice never agree together. Wing, 680.  
[Bouvier's Maxims of Law, 1856]

**2.7. If a debt or tax obligation arises by virtue of the fraud, then the victim of the fraud must be excused from the liability:**

"In commodo haec pactio, ne dolud praestetur, rata non est."  
If in a contract for a loan there is inserted a clause that the borrower shall not be answerable for fraud, such clause is void. Dig. 13, 6, 7.  
[Bouvier's Maxims of Law, 1856]

**2.8. Fraud creates no rights to property on the part of the government:**

"Jus et fraudem numquam cohabitant."  
Right and fraud never go together.  
[Bouvier's Maxims of Law, 1856]

**2.9. Fraud gives the victim of the fraud the right to terminate his relationship to the government:**

"Si quis custos fraudem pupillo fecerit, a tutela removendus est."  
If a guardian behaves fraudulently to his ward, he shall be removed from the guardianship.  
Jenk. Cent. 39.  
[Bouvier's Maxims of Law, 1856]

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3. **Money laundering in violation of 18 U.S.C. § 1956.** Money laundering is the receiving of money from the proceeds of unlawful activity, or activity not specifically authorized by the constitution and the laws which implement it, at least in the context of persons domiciled in states of the Union.

I, James-Francis: Murphy, Affiant, the Living Soul, do hereby rebut all "presumptions" that have ever been made against me under the "idem sonans" deception of the nom guerre, JAMES F. MURPHY, consisting of the all caps version of my Christian, name to be 'Void Ab Initio.' All IRS and FTB documents that have used the artificial entity identified with and by the all caps version of my Christian name for the creation of tax liability for the Subtitle A income tax, the Subtitle B Estate & Gift income tax, and the Subtitle C Chapter 24 Collection of income tax at source, et al, are forevermore declared to be "Void ab Initio" as there is no legal validity for such at any time.

Verified by this Affidavit, now, and for all times, to be a matter of record, the adverse party, Affiant, James-Francis: Murphy, proclaims in truth that:

1. The IRS has no legal capacity to sue or that the adverse party has no legal capacity to be sued as a Living Soul vis-à-vis an artificial entity.
2. The IRS is not entitled to recover in the capacity in which it would sue, or that the adverse party is not liable in the capacity of an artificial entity to be sued.
3. There exists a defect of parties, plaintiff, or defendant.
4. A denial of partnership as alleged in or by any pleadings as to any party to the suit.
5. James-Francis: Murphy, if alleged in any pleading to be a corporation, constructive trust, or any artificial entity, is not incorporated as alleged.
6. A denial of the genuineness of the endorsement or assignment of a written instrument upon which suit is brought by an endorsee or assignee and in the absence of such a sworn plea; the endorsement or assignment thereof shall be held as fully proved. The denial required by this subdivision of the rule may be made upon information and belief.
7. A written instrument upon which a pleading is founded is without consideration, or that the consideration of the same has failed in whole or in part.
8. A denial of an account, by this affidavit, which is the foundation of an action by the IRS, FTB, or other entity public or private.

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9. A contract sued upon or contract claimed to be in existence is an attempted usurpation of power and authority, which only resides with the adverse party.
10. Notice and proof of loss or claim for damage or debt liability has not been given as alleged by the IRS and or the FTB or any other entity public or private. Unless such plea is filed within 30 days from the date of this affidavit, such notice and proof shall be presumed and no evidence to the contrary shall be admitted. A denial of such notice or such proof shall be made specifically and with particularity.
11. James-Francis: Murphy, if named a party, plaintiff, or defendant, is not doing business under an assumed name or trade name as alleged.
12. This Affidavit shall encompass attempting a conversion by *idem sonans*, of the Affiant, and any other matter required by statute to be pleaded under oath.

*"One sovereign does not need to tell another sovereign that he/she is sovereign. The sovereign is merely sovereign by his very existence. The rule in America is that the American people are the sovereigns." Kemper v. State, 138 Southwest 1025 (1911), page 1043, section 33.*

Affiant, James-Francis: Murphy, is a sovereign and a secured party to the Constitution of the United States of America and enjoys all protections of his God-given Rights so enumerated or reserved. There is no lawful or legal authority for the national government, a creation of limited delegation of Rights of "We the People" [the Master] and thus a servant to the Master, to continue in such fraudulent conveyances.

There is no quarter or protection, nor can there be, for any federal employee, federal officer, or elected official of the United States to continue to make claims for a debt against the legal fiction or *nom de guerre*, JAMES F. MURPHY, to identify Affiant, the Living Soul, James-Francis: Murphy, as a corporation, constructive trust, or any other artificial entity which would be contrary to this sworn statement under oath.

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## 2 AFFIRMATION

I declare under penalty of perjury under the laws of the Republic where I live, but do not maintain a domicile, and from without the United States defined in 28 U.S.C. § 1603(c) and 26 U.S.C. § 7701(a)(10) and only when litigated under the following conditions that the facts, exhibits, and statements made by me in this and the attached pleading are true, correct, and complete to the best of my knowledge and ability in accordance with 28 U.S.C. § 1746(1).

1. Jury trial in a state court.
2. Diversity of citizenship under 28 U.S.C. § 1332(a)(2).
3. No jurist or judge may be a "U.S. citizen" under 8 U.S.C. § 1401, or a "taxpayer" under 26 U.S.C. § 7701(a)(14).
4. No jurist or judge, like the submitter, may be in receipt of any federal financial or other privilege, benefit, or employment; nor maintain a domicile on federal territory.
5. The common law of the state and no federal law or act of Congress or the Internal Revenue Code are the rules of decision, as required Federal Rules of Civil Procedure Rule 17(b), 28 U.S.C. § 1652, and Erie RR v. Tompkins, 304 U.S. 64 (1938).
6. Any judge who receives retirement or employee benefits derived from Subtitle A of the I.R.C. must recuse himself in judging the law and defer to the jury to judge both the facts and the law, as required under 18 U.S.C. § 208, 28 U.S.C. § 144, and 28 U.S.C. § 455.
7. All of the pleadings, exhibits, and statements made, including those about the law, are admitted into evidence and subject to examination by the jury.
8. None of the pleadings in the case are sealed or unpublished so as to cover up government wrongdoing or otherwise obstruct justice.
9. The signatory is not censored or restricted by the judge in what he can say to the jury during the trial.
10. Submitter is treated as a "foreign sovereign" under the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602 through 1611.
11. Submitter is not treated as a "person" under 26 U.S.C. § 6671(b) or 26 U.S.C. § 7343, which is defined as an officer of a corporation or partnership who has a fiduciary duty.

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Non-acceptance of this affirmation or refusal to admit all evidence attached to this pleading into the record by the court shall constitute evidence of duress upon the submitter. This affirmation is an extension of my right to contract, guaranteed under Article 1, Section 10 of the Constitution for the United States, and may not be interfered with by any court of a State of the Union or of the United States.

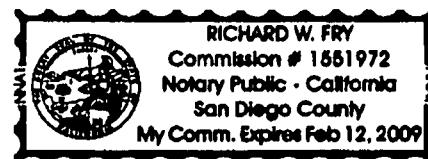
**NOTICE TO PRINCIPLE IS NOTICE TO AGENT  
NOTICE TO AGENT IS NOTICE TO PRINCIPLE**

James-Francis: Murphy  
James-Francis: Murphy, the Living Soul  
Secured Party

State of California )  
                          ) ss     **AFFIDAVIT OF CORPORATE DENIAL**  
County of San Diego )

Subscribed and sworn to before me, Richard W. Fry, a Notary Public, on this 26<sup>th</sup> day of May, 2007, by James-Francis: Murphy, personally known to me to be the Living Soul whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Richard W. Fry, Notary Public



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### 3 DEMAND FOR REBUTTAL

If you, the recipient, have read this entire affidavit and still challenge its conclusions, I demand a rebuttal from you of the facts and law revealed here. You have thirty (30) days to provide your rebuttal. Pursuant to Federal Rule of Civil Procedure Rule 8(d), failure to deny shall constitute an admission to the truth of everything contained herein:

III. PLEADINGS AND MOTIONS > Rule 8.  
Rule 8. General Rules of Pleading

(d) Effect of Failure To Deny.

Averments in a pleading to which a responsive Pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading. Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided.

Failure to timely deny WITH EVIDENCE shall also constitute an estoppel in pais, default judgment, and nihil dicit judgment relating to every controversy presented by this affidavit:

"Silence is a species of conduct, and constitutes an implied representation of the existence of facts in question. When silence is of such character and under such circumstances that it would become a fraud, it will operate as an Estoppel."

(Carmine v. Bowen, 64 A. 932.)

"Equitable estoppel, or estoppel in pais, is a term applied usually to a situation where, because of something which he has done or omitted to do, a party is denied the right to plead or prove an otherwise important fact. 2 The term has also been variously defined, frequently by pointing out one or more of the elements of, or prerequisites to, 3 the application of the doctrine or the situations in which the doctrine is urged 4 The most comprehensive definition of equitable estoppel or estoppel in pais is that it is the principle by which a party who knows or should know the truth is absolutely precluded, both at law and in equity, from denying, or asserting the contrary of, any material fact which, by his words or conduct, affirmative or negative, intentionally or through culpable negligence, he has induced another, who was excusably ignorant of the true facts and who had a right to rely upon such words or conduct, to believe and act upon them thereby, as a consequence reasonably to be anticipated, changing his position in such a way that he would suffer injury if such denial or contrary assertion was allowed. 5 In the final analysis, however, an equitable estoppel rests upon the facts and circumstances of the particular case in which it is urged, 6 considered in the framework of the elements, requisites, and grounds of equitable estoppel, 7 and consequently, any attempted definition usually amounts to no more than a declaration of an estoppel under those facts and circumstances. 8 The cases themselves must be looked to and applied by way of analogy rather than rule. 9" [American Jurisprudence 2d, Estoppel and Waiver, § 27: Definitions and Nature.]

"The doctrine of estoppel is based upon the grounds of public policy, fair dealing, good faith, and justice, and its purpose is to forbid one to speak against his own act, representations, or commitments to the injury of one to whom they were directed and who reasonably relied thereon. 11 The doctrine of estoppel springs from equitable principles and the equities in the case. 12 It is designed to aid the law in the administration of justice where without its aid injustice might result. 13 Thus, the doctrine of equitable estoppel or estoppel in pais is founded upon principles of morality and fair dealing and is intended to subserve the ends of justice. 14 It always presupposes error on one side and fault or fraud upon the other and some defect of which it would be inequitable for the party against whom the doctrine is asserted to take advantage. 15 It concludes the truth in order to prevent fraud and falsehood and imposes silence on a party only when in conscience and honesty he should not be allowed to speak." 16

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"The proper function of equitable estoppel is the prevention of fraud, actual or constructive, 17 and the doctrine should always be so applied as to promote the ends of justice and accomplish that which ought to be done between man and man. 18 Such an estoppel cannot arise against a party except when justice to the rights of others demands it. 19 and when to refuse it would be inequitable. 20 The doctrine of estoppel should be applied cautiously and only when equity clearly requires it to be done. 1 Hence, in determining the application of the doctrine, the counterequities of the parties are entitled to due consideration. 2 It is available only in defense of a legal or equitable right or claim made in good faith and can never be asserted to uphold crime, fraud, injustice, or wrong of any character. 3 Estoppel is to be applied against wrongdoers, not against the victim of a wrong, 4 although estoppel is never employed as a means of inflicting punishment for an unlawful or wrongful act. 5" [American Jurisprudence 2d. Estoppel and Waiver, § 28: Basis, function, and purpose.]

Finally, the denial must come from a person who has personal knowledge, delegated authority to make such a denial, and the denial must be signed under penalty of perjury as required by 26 U.S.C. § 6065.

### **QUESTIONS:**

1. Will you admit that Social Security Numbers and Social Security Cards are the property of the U.S. government and not the people in possession of them?

Title 20: Employees' Benefits  
PART 422—ORGANIZATION AND PROCEDURES  
Subpart B—General Procedures

20 CFR § 422.103 Social security numbers.

(d) Social security number cards. A person who is assigned a social security number will receive a social security number card from SSA within a reasonable time after the number has been assigned. (See 20 CFR § 422.104(a). regarding the assignment of social security number cards to aliens.) Social security number cards are the property of SSA and must be returned upon request.

### **YOUR ANSWER:**

---

2. Will you admit that because Social Security Numbers and Social Security Cards are the property of the U.S. government, they constitute property devoted to a "public purpose" or "public uses"?

Public purpose. In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax, police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or welfare of the entire community and not the welfare of a specific individual or class of persons (such as, for instance, federal benefit recipients as individuals). "Public purpose" that will justify expenditure of public money generally means such an activity as will serve as benefit to community as a body and which at same time is directly related function of government. *Pack v. Southwestern Bell Tel. & Tel. Co.*, 215 Tenn. 503, 387 S. W.2d 789, 794.

"The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be levied. it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow; the essential requisite being that a public service or use shall affect the inhabitants as a community, and not merely as individuals. A public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote such public

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purpose or public business."  
 [Black's Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

**YOUR ANSWER:** \_\_\_\_\_

**3. Will you admit that only public "employees" or contractors on official duty can possess, use, or control property devoted to a "public use"?**

**YOUR ANSWER:** \_\_\_\_\_

**4. Will you admit that it is illegal to use public property for a private purpose?**

18 U.S.C. § 208.

**§ 208. Acts affecting a personal financial interest**

(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial [or personal/private] interest—

Shall be subject to the penalties set forth in section 216 of this title.

**YOUR ANSWER:** \_\_\_\_\_

**5. Will you admit that the number assigned by the Social Security Administration called a Social Security Number is created, owned, reissued, and controlled exclusively by the Social Security Administration?**

**YOUR ANSWER:** \_\_\_\_\_

**6. Will you admit that the Social Security Number is primarily used to control you, and that you have no control or ownership over how the government uses or discloses it?**

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YOUR ANSWER: \_\_\_\_\_

7. Will you admit that it is impossible to "have" a number. A number is information and you can know information but you cannot own it unless it is copyrighted?

YOUR ANSWER: \_\_\_\_\_

8. Will you admit that claiming a number or participating in Social Security guarantees nothing, according to the Supreme Court?

"We must conclude that a person covered by the Act has not such a right in benefit payments ... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint."

[*Flemming v. Nestor*, 363 US 603 (1960)]

"The Social Security system may be accurately described as a form of social insurance, enacted pursuant to Congress' power to "spend money in aid of the 'general welfare,'" *Helverling v. Davis*, supra, at 640, whereby persons gainfully employed, and those who employ them, are taxed to permit the payment of benefits to the retired and disabled, and their dependents. Plainly the expectation is that many members of the present productive workforce will in turn become beneficiaries rather than supporters of the program. But each worker's benefits, though flowing from the contributions he made to the [363 U.S. 603, 610] national economy while actively employed, are not dependent on the degree to which he was called upon to support the system by taxation. It is apparent that the noncontractual interest of an employee covered by the Act cannot be soundly analogized to that of the holder of an annuity, whose right to benefits is bottomed on his contractual premium payments."

[*Flemming v. Nestor*, 363 US 603, 610, 80 SO. 1367 (1960)]

YOUR ANSWER: \_\_\_\_\_

9. Will you admit that without a guaranteed benefit, anyone using a number cannot claim any legally enforceable right, or entitlement, or "property"?

YOUR ANSWER: \_\_\_\_\_

10. Will you admit that the Social Security Act is found on the Social Security website at the following address?

[http://www.ssa.gov/OP\\_Home/ssact/comp-ssa.htm](http://www.ssa.gov/OP_Home/ssact/comp-ssa.htm)

YOUR ANSWER: \_\_\_\_\_

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11. Will you admit that the Social Security Act is also found in the U.S. Code, Title 42, Chapter 7 available on the web at the address below?

[http://www4.law.cornell.edu/uscode/html/uscode42/usc\\_sup\\_01\\_42\\_10\\_7.html](http://www4.law.cornell.edu/uscode/html/uscode42/usc_sup_01_42_10_7.html)

YOUR ANSWER: \_\_\_\_\_

12. Will you admit that only "U.S. citizens" and "lawful permanent residents" may apply for the Social Security program. See website above and 20 CFR § 422.104(a)?

YOUR ANSWER: \_\_\_\_\_

13. Will you admit that the term "United States" is defined in the current Social Security act in section 1 101 (a)(2) as follows?

SEC. 1101. [42 U.S.C. § 1301] (a) When used in this Act—

"(2) The term "United States" when used in a geographical sense means, except where otherwise provided, the States."

[Social Security Act as of 2005, section 1101]

YOUR ANSWER: \_\_\_\_\_

14. Will you admit that the term "State" is defined in the current Social Security Act in section 1101(a)( 1) as follows?

SEC. 1101. [42 U.S.C. § 1301] (a) When used in this Act—

(1) The term 'State', except where otherwise provided, includes the District of Columbia and the Commonwealth of Puerto Rico, and when used in titles IV, V, VII, XI, XIX, and XXI includes the Virgin Islands and Guam. Such term when used in titles III, IX, and XII also includes the Virgin Islands. Such term when used in title V and in part B of this title also includes American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. Such term when used in titles XIX and XXI also includes the Northern Mariana Islands and American Samoa. In the case of Puerto Rico, the Virgin Islands, and Guam, titles I, X, and XIV, and title XVI (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972[3]) shall continue to apply, and the term 'State' when used in such titles (but not in title XVI as in effect pursuant to such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam. Such term when used in title XX also includes the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Such term when used in title IV also includes American Samoa."

[Social Security Act as of 2005, section 1101]

YOUR ANSWER: \_\_\_\_\_

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15. Will you admit that states of the Union are not included in the above definition (See question 14 above) of either "State" or "United States"?

YOUR ANSWER: \_\_\_\_\_

16. Will you admit that under the rules of statutory construction, that which is not explicitly included is excluded by implication?

"**expressio unius, exclusio alterius**"—if one or more items is specifically listed, omitted items are purposely excluded. *Becker v. United States*, 451 U.S. 1306 (1981)

"**Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d 321, 325; *Newblock v. Bowles*, 170 Okl. 487, 40 P.2d 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded."

[*Black's Law Dictionary*, Sixth Edition, page 581]

YOUR ANSWER: \_\_\_\_\_

17. Will you admit that the federal government has no legislative jurisdiction within states of the Union according to the U.S. Supreme Court?

"It is no longer open to question that the general government, unlike the states, [*Hammer v. Dagenhart*, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724], possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation." [*Carter v. Carter Coal Co.*, 298 U.S. 238, 56 S.Ct. 855 (1936)]

"The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions. The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. *United States v. Butler*. *supra*."

*Ashton v. Cameron County Water Improvement District No. 1*, 298 U.S. 513; 56 S.Ct. 892 (1936)]

YOUR ANSWER: \_\_\_\_\_

18. Will you admit that the Social Security Act qualifies as "legislation" as indicated in the above cites?

YOUR ANSWER: \_\_\_\_\_

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19. Will you admit that participation in Social Security is voluntary for people who live outside of the District of Columbia and the territories and possessions of the "United States" as defined above because it does not and cannot apply to them absent their informed, explicit, written consent?

YOUR ANSWER: \_\_\_\_\_

20. Will you admit that it is ILLEGAL for the Social Security Administration to approve an application from a person who is not a "U.S. citizen" under 8 U.S.C. § 1401 or lawful "permanent resident"?

**Title 20: Employees' Benefits**

**PART 422—ORGANIZATION AND PROCEDURES**

**Subpart B—General Procedures**

§ 422.104 Who can be assigned a social security number.

(a) Persons eligible for SSN assignment. We can assign you a social security number if you meet the evidence requirements in §422.107 and you are:

(1) A United States citizen; or

(2) An alien lawfully ~~will~~ you admitted to the United States for permanent residence or under other authority of law permitting you to work in the United States (§422.105 describes how we determine if a nonimmigrant alien is permitted to work in the United States); or

(3) An alien who cannot provide evidence of alien status showing lawful admission to the U.S., or an alien with evidence of lawful admission but without authority to work in the U.S., if the evidence described in §422.107(e) does not exist, but only for a valid nonwork reason. We consider you to have a valid nonwork reason if

(i) You need a social security number to satisfy a Federal statute or regulation that requires you to have a social security number in order to receive a Federally-funded benefit to which you have otherwise established entitlement and you reside either in or outside the U.S.; or

(ii) You need a social security number to satisfy a State or local law that requires you to have a social security number in order to receive public assistance benefits to which you have otherwise established entitlement, and you are legally in the United States.

YOUR ANSWER: \_\_\_\_\_

21. Will you admit that an illegal or unconstitutional act does not constitute an "act" of a government, but simply the act of a private individual masquerading as a public officer?

"... the maxim that the King can do no wrong has no place in our system of government; yet it is also true, in respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which

therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread and act in its name."

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"This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the line of demarcation that separates constitutional government from absolutism, free self-government based on the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of the state to declare and decree that he is the state; to say 'L'Etat, c'est moi.' Of what avail are written constitutions, whose bills of right, for the security of individual liberty, have been written too often with the blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power may be overpassed with impunity by the very agencies created and appointed to guard, defend, and enforce them; and that, too, with the sacred authority of law, not only compelling obedience, but entitled to respect? And how else can these principles of individual liberty and right be maintained, if, when violated, the judicial tribunals are forbidden to visit penalties upon individual offenders, who are the instruments of wrong, whenever they interpose the shield of the state? **The doctrine is not to be tolerated. The whole frame and scheme of the political institutions of this country, state and federal, protest against it. Their continued existence is not compatible with it. It is the doctrine of absolutism, pure, simple, and naked, and of communism which is its twin, the double progeny of the same evil birth.**"

[U.S. Supreme Court in *Polk v. Greenhow*, 114 U.S. 270; 5 S.Ct. 903 (1885)]

YOUR ANSWER: \_\_\_\_\_

22. Will you admit that an illegal or unconstitutional act is an "act" of a private individual that certainly cannot be recognized as an act of any kind on the part of a legitimate government?

"An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is in legal contemplation, as imperative as though it had never been passed."  
[*Norton v. Shelby County*, 118 US 425 (1885)]

YOUR ANSWER: \_\_\_\_\_

23. Will you admit that an illegally issued Social Security Number is not a Social Security Number, but simply an illegal act that cannot be recognized and certainly not benefited from by anyone exercising a lawful, constitutional function of government?

YOUR ANSWER: \_\_\_\_\_

24. Will you admit that persons born in states of the Union are "nationals" under 8 U.S.C. § 1101(a)(21) but not "citizens" under 8 U.S.C. § 1401. If you disagree, please rebut?

<http://famguardian.org/Subjects/LawAndGovt/Citizenship/WhyANational.pdf>

YOUR ANSWER: \_\_\_\_\_

25. Will you admit that Affiant has stated under penalty of perjury that he is neither a "U.S. citizen" as defined in 8 U.S.C. § 1401 nor a "lawful permanent resident"?

YOUR ANSWER: \_\_\_\_\_

26. Will you admit that those who either never applied for Social Security, or whose application was made by others whom they never authorized cannot be obligated to participate and that any number that might have been assigned under such circumstances are illegally obtained and invalid because they are issued without consent?

YOUR ANSWER: \_\_\_\_\_

27. Will you admit that it is a federal crime to compel the use or disclosure of Social Security Numbers?

**TITLE 42—THE PUBLIC HEALTH AND WELFARE  
CHAPTER 7—SOCIAL SECURITY  
SUBCHAPTER II - FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS  
Sec. 408. Penalties**

(a) In general  
Whoever - ...

(8) discloses, uses, or compels the disclosure of the social security number of any person in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.

YOUR ANSWER: \_\_\_\_\_

28. Will you admit that all presumptions made by a public employee against a party protected by the Bill Of Rights which might prejudice those rights are unconstitutional and constitute a tort?

"It is apparent,' this court said in the Bailey Case (219 U.S. 239, 31 S. Ct. 145,151) 'that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions.' If a legislative body is without power to enact as a rule of evidence a statute denying a litigant the right to prove the facts of his case, certainly the power cannot be made to emerge by putting the enactment in the guise of a rule of substantive law."

[Helner v. Donnan, 285 U.S. 312 (1932)]

YOUR ANSWER: \_\_\_\_\_

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**Acknowledgment:**

I declare under penalty of perjury as required under 26 U.S.C. § 6065 that the answers provided by me to the foregoing questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these answers are completely consistent with each other and with my understanding of both the Constitution of the United States, Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not necessarily lower federal courts.

Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness name (print): \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Witness Date: \_\_\_\_\_

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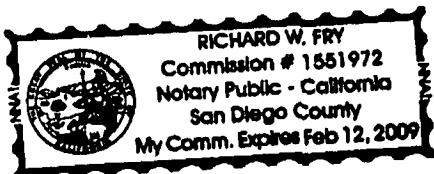
**CALIFORNIA COPY CERTIFICATION BY DOCUMENT CUSTODIAN**

State of California

County of San Diego

} ss.

I, James-Francis: Murphy, hereby swear (or affirm) that the attached reproduction  
 of Affidavit of Non Corporate Status is a true, correct, and complete  
 photocopy of a document in my possession.



Place Notary Seal Above

James-Francis: Murphy  
 Signature of Custodian of Original Document  
807 Hymsthr Ave Encinitas Calif. Republic  
 Address

Subscribed and sworn to (or affirmed) before me on  
 this 12<sup>th</sup> day of June, 2007, by

Date \_\_\_\_\_ Month \_\_\_\_\_

James-Francis: Murphy

Name of Custodian of Original Document

personally known to me.  
 proved to me on the basis of satisfactory evidence  
 to be one of the People who appeared before me.

Signature of Notary Public

**OPTIONAL**

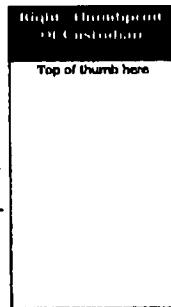
Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document Copy**Title or Type of Document: Affidavit of Non Corporate StatusDocument Date: May 26, 2007 Identifying No.: \_\_\_\_\_ No. of Pages: 2

Signer(s) or Issuing Agency: \_\_\_\_\_

**Capacity Claimed by Custodian** Individual  Attorney  Trustee  Business Proprietor or Manager Corporate Officer - Title: \_\_\_\_\_ University or School Officer - Title: \_\_\_\_\_ Governmental Officer or Agent - Title: \_\_\_\_\_ One of the People (Sovereign, sentient being)

Custodian Is Representing: \_\_\_\_\_



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## **AFFIDAVIT OF NON CORPORATE STATUS**

I, James-Francis: Murphy, the undersigned Affiant, of majority age, having firsthand knowledge, hereby affirm and declare that, and if called upon as a witness, I will testify to the following facts which I believe to be true:

I am a natural-born male, one of the People of these United States for the Constitutional Republic of 1787, 1791, as lawfully amended, executing this affidavit.

1. I am a male whose nativity took place in Washington, D.C., on the eleventh of April, 1961, as one of the People as established in the Constitution of 1787.
2. James-Francis: Murphy is the flesh and blood son, the fruit of James and Margaret of the Murphy family.
3. James-Francis: Murphy is the original name given to the flesh and blood son of James and Margaret of the Murphy family.
4. James, the flesh and blood son of James and Margaret of the Murphy family was brought into existence alive in Washington, D.C. on April eleventh, 1961.
5. I have been domiciled in the California Republic since 2005.
6. I am not a federal citizen "UNITED STATES citizen" as defined under the so-called 14<sup>th</sup> Amendment to the Constitution of the United States.
7. I am neither a "citizen of the District of Columbia," nor "a resident of the District of Columbia" nor "a resident of a federal enclave" within the California Republic.

I hereby declare under the penalty of perjury by the Laws of the California Republic and its lawfully amended 1849 Constitution that the foregoing affidavit is true, correct, and not misleading.

Further Affiant sayeth not.

Executed on this 26<sup>th</sup> day of May, 2007.

James-Francis: Murphy  
James-Francis: Murphy, One of the People of the California state Republic  
c/o 807 Hymettus Avenue  
Encinitas [92024] California Republic  
ZIP Code Exempt

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**Notice**

Using a notary on this document does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into any foreign jurisdiction, a benefit for the Pagans and Heathens so they whom I pray may become knowledgeable in the truth for the Law by our Holy Father in Heaven and repent, so they will no longer be alienated from their true God, Yahweh.

**JURAT**

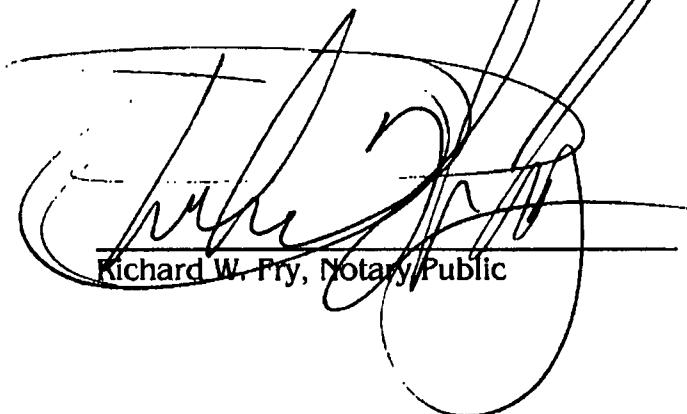
James-Francis: Murphy  
Signer

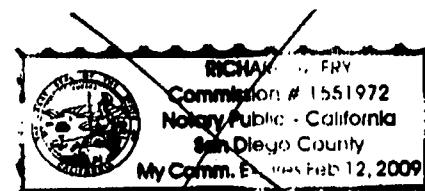
5-26-07  
Date

State of California )  
                          ) SS. **AFFIDAVIT OF NON CORPORATE STATUS**  
County of San Diego )

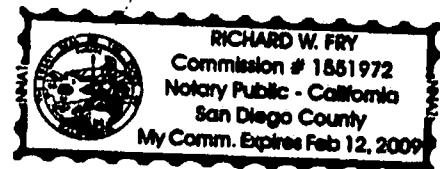
Subscribed and sworn to before me, on this 26<sup>th</sup> day of May, 2007, by  
James-Francis: Murphy,

Personally known to me  
 Proved to me on the basis of satisfactory evidence  
 to be one of the People who appeared before me.

  
Richard W. Fry, Notary Public



SEAL



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**CALIFORNIA COPY CERTIFICATION BY DOCUMENT CUSTODIAN**

State of California

County of San Diego

} ss.

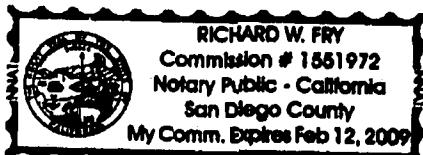
I, James-Francis: Murphy, hereby swear (or affirm) that the attached reproduction  
 of Affidavit of Sul Juris / Sovereign Status is a true, correct, and complete  
 photocopy of a document in my possession.

James-Francis: Murphy  
Signature of Custodian of Original Document

807 Hemetts Ave, Encinitas, Calif. Republic  
Address

Subscribed and sworn to (or affirmed) before me on  
 this 12<sup>th</sup> day of June, 2007, by

Date 12/07/07 Month June



Place Notary Seal Above

James-Francis: Murphy  
Name of Custodian of Original Document

personally known to me  
 proved to me on the basis of satisfactory evidence  
 to be one of the People who appeared before me.

James-Francis: Murphy  
Signature of Notary Public

**OPTIONAL**

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document Copy**

Title or Type of Document: Affidavit of Sul Juris / Sovereign Status

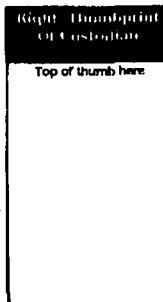
Document Date: May 26, 2007 Identifying No.: \_\_\_\_\_ No. of Pages: 18

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**Capacity Claimed by Custodian**

Individual  Attorney  Trustee  Business Proprietor or Manager  
 Corporate Officer - Title: \_\_\_\_\_  
 University or School Officer - Title: \_\_\_\_\_  
 Governmental Officer or Agent - Title: \_\_\_\_\_  
 One of the People (Sovereign, sentient being)

Custodian is Representing: \_\_\_\_\_



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**AFFIDAVIT OF SUI JURIS/Sovereign STATUS  
DECLINATION OF STATE FRANCHISE  
IN FAVOR OF THE RIGHT TO TRAVEL**

Comes the undersigned Affiant, James-Francis: Murphy, of majority age, having firsthand knowledge, and having declined the option of state franchise and the disabilities associated therewith and operating under the Law Merchant, Statute-at-Large, First congress, 1789, Section 1, Chapter 8, page 52; Articles of Confederation, Article 4-3-1, 1781; USC Title 18 Section 241, 242; USC Title 42, Sections 1983, 1985, 1986 inclusive of oath of 'explicit' affirmation as directed by UCC 1-308.

Affiant hereby certifies, affirms, and declares, by Unalienable Rights Guaranteed under provisions of the Constitution for the united States of America, the Constitution of the several states, and Common Law, that these Rights and Liberties are enjoyed, retained, held, protected, and sustained by authority of the people with special regard to Rights designated and/or set forth as follows: ALSO NOTE—Rights and Property are ONE AND THE SAME THING— by the Honorable Justice Louis Brandis U.S. SUPREME COURT.

Affiant claims unhampered use of all navigable waters and all common law highways, roadways, airways, and by ways which are used for transportation, EITHER PRIVATE, PUBLIC OR COMMERCE, ANYWHERE IN THESE united States of America. Affiant asserts all rights guaranteed by the Constitution for the united States and may be detained, only on sworn complaint of an injured party, pursuant to Bill of Rights Article IV, Rights in law are claimed and are not subject to the obligations in equity known as the Motor Vehicle Code of the respective states.

Affiant shall not be charged, nor held, nor directed into contract requiring licensing, registration and/or forced insurance as directed by and through any state legislature, city council, township commissioners or other legal fiction entity.

**RIGHTS GUARANTEED THE SOVERIGN**

The right to travel freely, unencumbered, and unfettered is guaranteed as a right and not a mere privilege. That the right to travel is self-evident by common sense of a free society to come to and from length and breath freely, unencumbered, and unfettered distinguishes the characteristic required for a free people to exist in fact. Please see Shapiro vs. Thomson 394 U.S. 618 (1969). Further, the right to travel by private conveyance for private purposes upon the common way cannot be infringed. No license or permission is required for travel when such travel is not for the purpose of [commercial] profit or gain on the open highways operating under license in commerce. Affiant is not operating in commerce and is thereby exempted from the requirement of a license as such. Further, the state is

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forbidden by law from converting a basic right into a privilege and requiring a license and or a fee charged for the exercise of the basic right. Please see *Murdock vs. Pennsylvania*, 319 U.S. 105 (1943), and if the state does erroneously convert basic rights into privileges and require a license or fee Affiant may ignore the license or fee with total immunity for such exercise of a basic right. Please see *Shuttlesworth vs. Birmingham, Alabama*, 373 U.S. 262 (1963).

If Affiant exercises a basic right, and a law of any state is to the contrary of such exercise of that basic right, the said supposed law of any state is a fiction of law and entirely unconstitutional. No courts are bound to uphold such a law, and no citizen is required to obey such unconstitutional law or license requirement. Please see *Marbury vs. Madison*, 5 U.S. 137 (1803), which has never been overturned in over 194 years, see Shephard's citations.

Further, because Affiant relies in good faith on the advice of counsel and or on the decisions of the United States Supreme Court, Affiant has a perfect defense to the element of willfulness and since the burden of proof of said willfulness is on the prosecution to prove beyond a reasonable doubt, said task or burden being totally impossible to specifically perform there is no cause of action for which relief may be granted by a court of law. Please see *U.S. vs. Bishop* 412 U.S. 346 (1973).

Obviously there is no lawful charge against exercising a basic right to travel for a regular Common Law Citizen not in commerce on the common-way public highway. Affiant is immune from any charge to the contrary and any party making such charge should be duly warned of the tort of trespass! You are trespassing on Affiant!

"The words, 'people of the United States' and 'citizens' are synonymous terms and mean the same thing. They both describe the political body who, according to our Republican institutes, form the sovereignty and who hold the power and conduct the Government through their representatives." (Dred Scott case (1856)) They are what we familiarly call the sovereign people and every citizen is one of these people and a constituent member of the sovereignty.

The Siren (74 U.S. 152 (1868)) relates the opinion as delivered by Justice Field:

"It is the doctrine of the common law, that the sovereign cannot be sued in his own court without his consent."

Eleven years later, in 1879, the court again addressed the issue of 'sovereignty' in the case of *Hauenstein vs. Lynham* (100 U.S. 483). At issue was a treaty between the United States and Switzerland concerning land ownership in America by a citizen of Switzerland, Hauenstein, a citizen of Switzerland, held title to property in the City of Richmond. He died and the state moved under the laws of escheat to seize the property, claiming Hauenstein could not will his property to his heirs because they were "Aliens." The entire case rested on the treaty and the power of the people to make the treaty. The court stated:

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"There can be no limitation on the power of the People of the United States; by their authority the State Constitutions were made, and by their authority, the Constitution of the United States was established; power to change or abolish the state constitution or to make them yield to the general government and to the treaties made by their authority."

In 1885, two more cases came before the supreme court involving the "sovereign." In *Yick Wo vs. Hopkins* and *Woo Lee vs. Hopkins* (118 U.S. 356,) Sheriff Hopkins had jailed Yick Wo and Woo Lee, depriving them of their personal liberty. On the issue of "sovereignty" the court stated:

"Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts."

The cases cited above are just a few of the rulings made by the Supreme Court concerning the issue of "sovereignty." Those cases are based upon *Barron vs. Baltimore* (7 Peters 243) and later on *Fairbanks vs. United States* (181 U.S. 283). The court in all cases said:

"Powers denied are not to be implied; they are to be obtained, if at all, from and in the same manner provided by, those who originally granted the enumerated powers, but who at the same time denied powers."

In 1909, in *Kansas City vs. Colorado* (206 U.S. 46,) the court clearly recognized the three "sovereigns" in the United States as the federal government, the state government and We The People.

#### **The Tenth Amendment reads as follows:**

"The power not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Thus, if We the People, denied the power to the General Government, i.e. Congress, the power was either reserved to the People or delegated to the state.

Therefore, the sovereign remains the entity which governs his or her own rights. What does this have to do with the rights of an individual to drive? Please pay close attention to the case law presented.

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## CASE LAW

### **KENT vs. DULLES 357 U.S. 116-125 (1958)**

(a) the right to travel is a part of the "liberty" of which a citizen cannot be deprived without due process of law under the Fifth Amendment.

(e) If a citizen's liberty to travel is to be regulated, it must be pursuant to the law-making functions of Congress, any delegation of the power must be subject to adequate standards, and such delegated authority will be narrowly construed.

### **SUPREME COURT OF APPEALS OF VIRGINIA THOMPSON vs. SMITH 154 S.E. 579 (1930)**

#### *Constitutional Law (note 82)*

Citizen's right to travel upon the public highways and transport his property thereon in the ordinary course of life and business is common right.

The right of a citizen so to do is that which he has under his right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety.

#### *Automobiles (note 4) Highways (note 168)*

Citizen's right to travel upon public highways includes right to usual conveyances of time, including horse-drawn carriage, and automobile, for ordinary purposes of life and business.

#### *Municipal corporations (note 7030)*

Citizen's right to travel upon public highways and usual conveyances in doing so is not mere privilege which a city may permit or prohibit at will.

#### *Municipal corporations [note 703(1)] 93 319166*

City, in regulating, under police power, citizen's right to travel upon public streets, may not arbitrarily or unreasonably prohibit or restrict it, nor prohibit one, and refuse another of like qualifications, under like conditions, to exercise it.

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**CHICAGO MOTOR COACH vs. CHICAGO 169 N.E. 22**

"The use of the highway for the purpose of travel and transportation is not a mere privilege, but a common fundamental right of which the public and individuals cannot rightfully be deprived."

Highways (note 165) - Legislature cannot deny citizen the right to travel on highway and transport his property in ordinary course of business or pleasure.

"Even the legislature has no power to deny to a citizen the right to travel upon the highway and transport his property in the ordinary course of his business or pleasure, though this right may be regulated in accordance with the public interest and convenience." - Chicago Motor Coach v Chicago 169 NE 22

("Regulated" here means traffic safety, stop lights, signs, etc. NOT a privilege that requires permission i.e.- licensing, mandatory insurance, vehicle registration, etc.)

**SHEER vs. CULLEN Vol. 481 Federal Reporter pg. 945**

"There can be no sanction or penalty imposed because of this Exercise of Constitutional Rights."

...when a ticket (citation) is given, by law enforcement, for failure to maintain vehicle insurance, vehicle registration, or a State privileged "driver license," which carries either a fine or confinement as a penalty or sanction, is in fact, a restriction of Rights, and in fact, is converting a citizen's Rights into a crime.

Conversion of the right to travel into a privilege and or crime is a fraud and is in clear and direct conflict with the United States Constitution, the supreme law of the land. Laws made by any state, which are clearly in direct conflict or repugnancy are unconstitutional and are not with standing in law and are being challenged as such here and thereby are null and void of law on their face. No courts are bound to uphold such fictions of law and Affiant is not bound to obey such a fiction of law. Such a regulation or law operates as a mere nullity or fiction of law as if it never existed in law.

**MIRANDA vs. ARIZONA 384 U.S. 436, 491**

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

The payment for a privilege requires a benefit to be received. As the right to travel is already a secured Right, it is clearly unlawful to cite any charges without direct damage to the specific party. Affiant shall not be charged with an offense for the exercise of a constitutionally guaranteed right, in this case the right to travel. Please see Miller vs. United States 230 f2d 486. Affiant shall not be denied due process of law or equal protection under the law.

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**U.S. vs. Frega**

On April 15, 1998, WLF filed a brief with the United States Court of Appeals for the Ninth Circuit urging the court to uphold conspiracy, racketeering, bribery, and mail fraud convictions against noted San Diego, California, trial lawyer Patrick Frega, and former San Diego Superior Court Judges James A. Malkus and G. Dennis Adams. Frega and Adams each were sentenced to 41 months in federal prison; Malkus was sentenced to 31 months. Patrick Frega, once named "Trial Lawyer of the Year" by the plaintiffs' trial bar, was convicted in late 1996 of operating a racketeering business in violation of the federal Racketeer Influenced and Corrupt Organizations Act ("RICO") and mail fraud. Frega provided the jurists and members of their families with over \$100,000 in payments and benefits, including expensive cars, car repairs, money orders, entertainment, an apartment, and health club memberships.

**USC Title 18 Section 1341**

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

**Salinas vs. U.S.**

*Held:*

1. Section 666(a)(1)(B) does not require the Government to prove the bribe in question had a demonstrated effect upon federal funds. The enactment's plain language is expansive and unqualified, both as to the bribes forbidden and the entities covered, demonstrating by its reference to "any" business or transaction, §666(a)(1)(B), that it is not confined to transactions affecting federal funds; by its application to all cases in which an "organization, government, or agency" receives a specified amount of federal benefits, §666(b), that it reaches the scheme involved here; and by its prohibition on accepting "anything of value,"

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§666(a)(1)(B), that it encompasses the transfers of personal property to petitioner in exchange for his favorable treatment of Beltran. Given the statute's plain and unambiguous meaning, petitioner is not aided by the legislative history, see, e.g., *United States v. Albertini*, 472 U. S. 675, 680, or by the plain-statement rule set forth in *Gregory v. Ashcroft*, 501 U. S. 452, 460-461, and *McNally v. United States*, 483 U. S. 350, 360, see, e.g., *Seminole Tribe of Florida v. Florida*, 517 U. S. 44, 57, n. 9. Moreover, the construction he seeks cannot stand when viewed in light of the pre-§666 statutory framework—which limited federal bribery prohibitions to “public official[s],” defined as “officer[s] or employee[s] or person[s] acting for or on behalf of the United States, or any branch thereof,” and which was interpreted by some lower courts not to include state and local officials and the expansion prescribed by §666(a)(1)(B), which was designed to extend coverage to bribes offered to state and local officials employed by agencies receiving federal funds. Under this Court’s construction, §666(a)(1)(B) is constitutional as applied in this case. Its application to petitioner did not extend federal power beyond its proper bounds, since the preferential treatment accorded Beltran was a threat to the integrity and proper operation of the federal program under which the jail was managed. See *Westfall v. United States*, 274 U. S. 256, 259. Pp. 3-9.

2. To be convicted of conspiracy to violate RICO under §1962(d), the conspirator need not himself have committed or agreed to commit the two or more predicate acts, such as bribery, requisite for a substantive RICO offense under §1962(c). Section 1962(d)-which forbids “any person to conspire to violate” §1962(c)-is even more comprehensive than the general conspiracy provision applicable to federal crimes, §371, since it contains no requirement of an overt or specific act to effect the conspiracy’s object. Presuming Congress intended the “to conspire” phrase to have its ordinary meaning under the criminal law, see *Morissette v. United States*, 342 U. S. 246, 263, well-established principles and contemporary understanding demonstrate that, although a conspirator must intend to further an endeavor which, if completed, would satisfy all of the elements of a substantive criminal offense, it suffices that he adopt the goal of furthering or facilitating the criminal endeavor, and he need not agree to undertake all of the acts necessary for the crime’s completion. Salinas’ contrary interpretation of §1962(c) violates the foregoing principles and is refuted by *Bannon v. United States*, 156 U. S. 464, 469. Its acceptance, moreover, is not required by the rule of lenity, see *United States v. Shabani*, 513 U. S. 10, 17. Even if Salinas did not accept or agree to accept two bribes, there was ample evidence that the sheriff committed at least two predicate acts when he accepted numerous bribes and that Salinas knew about and agreed to facilitate the scheme, and this is sufficient to support Salinas’ conviction under §1962(d). Pp. 9-14.

**Sabri v. U.S.**  
**CONCLUSION**

The Court should hold that 18 U.S.C. § 666(a)(2) is unconstitutional on its face.

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**Camara v. Municipal Court**

In this case, appellant has been charged with a crime for his refusal to permit housing inspectors to enter his leasehold without a warrant. There was no emergency demanding immediate access; in fact, the inspectors made three trips to the building in an attempt to obtain appellant's consent to search. Yet no warrant was obtained and thus appellant was unable to verify either the need for or the appropriate limits of the inspection. No doubt, the inspectors entered the public portion of the building with the consent of the landlord, through the building's manager, but appellee does not contend that such consent was sufficient to authorize inspection of appellant's premises. Cf. *Stoner v. California*, 376 U.S. 483; *Chapman v. United States*, 365 U.S. 610; *McDonald v. United States*, 335 U.S. 451. Assuming the facts to be as the parties have alleged, we therefore conclude that appellant had a constitutional right to insist that the inspectors obtain a warrant to search and that appellant may not constitutionally be convicted for refusing to consent to the inspection. It appears from the opinion of the District Court of Appeal that under these circumstances a writ of prohibition will issue to the criminal court under California law.

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## **CALIFORNIA PENAL CODE**

**CPC 182(a)(4)** To cheat and defraud any person of any property, by any means which are in themselves criminal, or to obtain money or property by false pretenses or by false promises with fraudulent intent not to perform those promises.

**CPC 186** This act may be cited as the "California Control of Profits of Organized Crime Act."

**CPC 186.1.** The Legislature hereby finds and declares that an effective means of punishing and deterring criminal activities of organized crime is through the forfeiture of profits acquired and accumulated as a result of such criminal activities. It is the intent of the Legislature that the "California Control of Profits of Organized Crime Act" be used by prosecutors to punish and deter only such activities.

**CPC 186.2.** For purposes of this chapter, the following definitions apply:

- (a) "Criminal profiteering activity" means any act committed or attempted or any threat made for financial gain or advantage, which act or threat may be charged as a crime under any of the following sections:
  - (1) Arson, as defined in Section 451.
  - (2) Bribery, as defined in Sections 67, 67.5, and 68.
  - (3) Child pornography or exploitation, as defined in subdivision (b) of Section 311.2, or Section 311.3 or 311.4, which may be prosecuted as a felony.
  - (4) Felonious assault, as defined in Section 245.
  - (5) Embezzlement, as defined in Sections 424 and 503.
  - (6) Extortion, as defined in Section 518.
  - (7) Forgery, as defined in Section 470.
  - (8) Gambling, as defined in Sections 337a to 337f, inclusive, and Section 37i, except the activities of a person who participates solely as an individual bettor.
  - (9) Kidnapping, as defined in Section 207.
  - (10) Mayhem, as defined in Section 203.
  - (11) Murder, as defined in Section 187.
  - (12) Pimping and pandering, as defined in Section 266.
  - (13) Receiving stolen property, as defined in Section 496.
  - (14) Robbery, as defined in Section 211.
  - (15) Solicitation of crimes, as defined in Section 653f.
  - (16) Grand theft, as defined in Section 487.
  - (17) Trafficking in controlled substances, as defined in Sections 11351, 11352, and 11353 of the Health and Safety Code.
  - (18) Violation of the laws governing corporate securities, as defined in Section 25541 of the Corporations Code.

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- (19) Any of the offenses contained in Chapter 7.5 (commencing with Section 311) of Title 9, relating to obscene matter, or in Chapter 7.6 (commencing with Section 313) of Title 9, relating to harmful matter that may be prosecuted as a felony.
- (20) Presentation of a false or fraudulent claim, as defined in Section 550.
- (21) False or fraudulent activities, schemes, or artifices, as described in Section 14107 of the Welfare and Institutions **Code**.
- (22) Money laundering, as defined in Section 186.10.
- (23) Offenses relating to the counterfeit of a registered mark, as specified in Section 350.
- (24) Offenses relating to the unauthorized access to computers, computer systems, and computer data, as specified in Section 502.
- (25) Conspiracy to commit any of the crimes listed above, as defined in Section 182.
- (26) Subdivision (a) of Section 186.22, or a felony subject to enhancement as specified in subdivision (b) of Section 186.22.
- (27) Any offenses related to fraud or theft against the state's beverage container recycling program, including, but not limited to, those offenses specified in this subdivision and those criminal offenses specified in the California Beverage Container Recycling and Litter Reduction Act, commencing at Section 14500 of the Public Resources **Code**.
- (28) Human trafficking, as defined in Section 236.1.
- (29) Theft of personal identifying information, as defined in Section 530.5.
- (b) "Pattern of criminal profiteering activity" means engaging in at least two incidents of criminal profiteering, as defined by this act, that meet the following requirements:
  - (1) Have the same or a similar purpose, result, principals, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics.
  - (2) Are not isolated events.
  - (3) Were committed as a criminal activity of organized crime. Acts that would constitute a "pattern of criminal profiteering activity" may not be used by a prosecuting agency to seek the remedies provided by this chapter unless the underlying offense occurred after the effective date of this chapter and the prior act occurred within 10 years, excluding any period of imprisonment, of the commission of the underlying offense. A prior act may not be used by a prosecuting agency to seek remedies provided by this chapter if a prosecution for that act resulted in an acquittal.
- (c) "Prosecuting agency" means the Attorney General or the district attorney of any county.
- (d) "Organized crime" means crime that is of a conspiratorial nature and that is either of an organized nature and seeks to supply illegal goods and services such as narcotics, prostitution, loan-sharking, gambling, and pornography, or that, through planning and coordination of individual efforts, seeks to conduct the illegal activities of arson for profit, hijacking, insurance fraud, smuggling, operating vehicle theft rings, fraud against the beverage container

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recycling program, or systematically encumbering the assets of a business for the purpose of defrauding creditors. "Organized crime" also means crime committed by a criminal street gang, as defined in subdivision (f) of Section 186.22. "Organized crime" also means false or fraudulent activities, schemes, or artifices, as described in Section 14107 of the Welfare and Institutions Code, and the theft of person identifying information, as defined in Section 530.5.

(e) "Underlying offense" means an offense enumerated in subdivision (a) for which the defendant is being prosecuted.

**CPC 186.3.** (a) In any case in which a person is alleged to have been engaged in a pattern of criminal profiteering activity, upon a conviction of the underlying offense, the assets listed in subdivisions (b) and (c) shall be subject to forfeiture upon proof of the provisions of subdivision (d) of Section 186.5.

(b) Any property interest whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

(c) All proceeds of a pattern of criminal profiteering activity, which property shall include all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

**CPC 485** One who finds lost property under circumstances which give him knowledge of or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person not entitled thereto, without first making reasonable and just efforts to find the owner and to restore the property to him, is guilty of theft.

**CPC 486** Theft is divided into two degrees, the first of which is termed grand theft; the second, petty theft.

**CPC 487** Grand theft is theft committed in any of the following cases:

(a) When the money, labor, or real or personal property taken is of a value exceeding four hundred dollars (\$400), except as provided in subdivision (b).

(b) Notwithstanding subdivision (a), grand theft is committed in any of the following cases:

(1) (A) When domestic fowls, avocados, olives, citrus or deciduous fruits, other fruits, vegetables, nuts, artichokes, or other farm crops are taken of a value exceeding one hundred dollars (\$100).

(B) For the purposes of establishing that the value of avocados or citrus fruit under this paragraph exceeds one hundred dollars (\$100), that value may be shown by the presentation of credible evidence which establishes that on the day of the theft avocados or citrus fruit of the same variety and weight exceeded one hundred dollars (\$100) in wholesale value.

(2) When fish, shellfish, mollusks, crustaceans, kelp, algae, or other aquacultural products are taken from a commercial or research operation which is producing that product, of a value exceeding one hundred dollars (\$100).

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(3) Where the money, labor, or real or personal property is taken by a servant, agent, or employee from his or her principal or employer and aggregates four hundred dollars (\$400) or more in any 12 consecutive month period.

(c) When the property is taken from the person of another.

(d) When the property taken is any of the following:

(1) An automobile, horse, mare, gelding, any bovine animal, any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow, or pig.

(2) A firearm.

(e) This section shall become operative on January 1, 1997.

**CPC 487a.** (a) Every person who shall feloniously steal, take, transport or carry the carcass of any bovine, caprine, equine, ovine, or swine animal or of any mule, jack or jenny, which is the personal property of another, or who shall fraudulently appropriate such property which has been entrusted to him, is guilty of grand theft.

(b) Every person who shall feloniously steal, take, transport, or carry any portion of the carcass of any bovine, caprine, equine, ovine, or swine animal or of any mule, jack, or jenny, which has been killed without the consent of the owner thereof, is guilty of grand theft.

**CPC 487b.** Every person who converts real estate of the value of one hundred dollars (\$100) or more into personal property by severance from the realty of another, and with felonious intent to do so, steals, takes, and carries away such property is guilty of grand theft and is punishable by imprisonment in the state prison.

**CPC 487c.** Every person who converts real estate of the value of less than one hundred dollars (\$100) into personal property by severance from the realty of another, and with felonious intent to do so steals, takes, and carries away such property is guilty of petty theft and is punishable by imprisonment in the county jail for not more than one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

**CPC 487d.** Every person who feloniously steals, takes, and carries away, or attempts to take, steal, and carry from any mining claim, tunnel, sluice, undercurrent, riffle box, or sulfurate machine, another's gold dust, amalgam, or quicksilver is guilty of grand theft and is punishable by imprisonment in the state prison.

**CPC 487e.** Every person who feloniously steals, takes, or carries away a dog of another which is of a value exceeding four hundred dollars (\$400) is guilty of grand theft.

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**CPC 487f.** Every person who feloniously steals, takes, or carries away a dog of another which is of a value not exceeding four hundred dollars (\$400) is guilty of petty theft.

**CPC 487g.** Every person who steals or maliciously takes or carries away any animal of another for purposes of sale, medical research, slaughter, or other commercial use, or who knowingly, by any false representation or pretense, defrauds another person of any animal for purposes of sale, medical research, slaughter, or other commercial use is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year or in the state prison.

**CPC 487h.** (a) Every person who steals, takes, or carries away cargo of another, when the cargo taken is of a value exceeding four hundred dollars (\$400), except as provided in Sections 487, 487a, and 487d, is guilty of grand theft.

(b) For the purposes of this section, "cargo" means any goods, wares, products, or manufactured merchandise that has been loaded into a trailer, railcar, or cargo container, awaiting or in transit.

(c) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

**CPC 518.** Extortion is the obtaining of property from another, with his consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right.

**CPC 519.** Fear, such as will constitute extortion, may be induced by a threat, either:

1. To do an unlawful injury to the person or property of the individual threatened or of a third person; or,
2. To accuse the individual threatened, or any relative of his, or member of his family, of any crime; or,
3. To expose, or to impute to him or them any deformity, disgrace or crime; or,
4. To expose any secret affecting him or them.

**CPC 520.** Every person who extorts any money or other property from another, under circumstances not amounting to robbery or carjacking, by means of force, or any threat, such as is mentioned in Section 519, shall be punished by imprisonment in the state prison for two, three or four years.

**CPC 521.** Every person who commits any extortion under color of official right, in cases for which a different punishment is not prescribed in this **Code**, is guilty of a misdemeanor.

**CPC 522.** Every person who, by any extortionate means, obtains from another his signature to any paper or instrument, whereby, if such signature were freely given,

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any property would be transferred, or any debt, demand, charge, or right of action created, is punishable in the same manner as if the actual delivery of such debt, demand, charge, or right of action were obtained.

**CPC 523.** Every person who, with intent to extort any money or other property from another, sends or delivers to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat such as is specified in Section 519, is punishable in the same manner as if such money or property were actually obtained by means of such threat.

**CPC 524.** Every person who attempts, by means of any threat, such as is specified in Section 519 of this **code**, to extort money or other property from another is punishable by imprisonment in the county jail not longer than one year or in the state prison or by fine not exceeding ten thousand dollars (\$10,000), or by both such fine and imprisonment.

**CPC 525.** Upon conviction of a felony violation under this chapter, the fact that the victim was an elder or dependent person, as defined in Section 288, shall be considered a circumstance in aggravation when imposing a term under subdivision (b) of Section 1170.

**CPC 526.** Any person, who, with intent to obtain from another person any money, article of personal property or other thing of value, delivers or causes to be delivered to the other person any paper, document or written, typed or printed form purporting to be an order or other process of a court, or designed or calculated by its writing, typing or printing, or the arrangement thereof, to cause or lead the other person to believe it to be an order or other process of a court, when in fact such paper, document or written, typed or printed form is not an order or process of a court, is guilty of a misdemeanor, and each separate delivery of any paper, document or written, typed or printed form shall constitute a separate offense.

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**UNITED STATES CODE TITLE 18****18 USC 4**

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

**18 USC 1341**

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

**18 USC 2382**

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

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**ASSERTION PURSUANT TO UCC 1-308/CAL 1-207**

Affiant does hereby claim, declare, and certify any and all Constitutionally guaranteed rights inviolate from God and secured in the United States Constitution and the Constitution of the state wherein Affiant is domiciled as a sovereign, Common Law Citizen, existing and acting entirely at the Common Law, and retains all basic rights secured under the Constitution of the United States of America, Nature, Nature's God, and under the laws of God, the Supreme Law Giver.

Affiant understands the need for a law enforcement body and agrees to abide by the directives set-forth wherein the Constitution of the United States is concerned, therefore maintains an affirmation of rights on his person that bears the entire title, section, and code by which his Constitutional authority is found.

This Affidavit is a notification to public servants. Such servants, giving no credence to such authority, and by doing so, violate USC Title 42, Sections 1983, 1985, 1986 under color of state statute, color of authority, conspiracy to interfere with civil rights, and are not exempted from prosecution individually and severally.

Affiant reasserts his individual sovereign rights, including the maintenance of individual documentation with "explicit" reservation of rights under penalty of perjury;

UCC 1-308/CAL 1-207, The Code provides that a notice expressly preserve his rights and protect them against danger of loss by waiver or estoppel if he makes an explicit reservation of such right. (13)

The Code states an "explicit" reservation must be made. "Explicit" undoubtedly is used in place of "express" to indicate that a reservation must not only be "express" but it must also be "clear" that such reservation was intended.

The Code does not impose any requirement as to the form of the reservation, other than it be explicit. From the nature of the circumstances under which the need for making a reservation might arise it is apparent that no requirement of a writing is imposed.(19)

**LOCAL STATUTORY CITATIONS AND VARIATIONS**

Performance or acceptance under reservation of rights is found in agreement to UCC 1-308, inclusive of CAL 1-207.

A party who with explicit reservation of rights performs or promises performance or assents to perform in a manner demanded or offered by the other party does not prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient.

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## **SUMMATION**

The state shall not require one of the People exercising his/her Freeman status, under proper title, section, and code, to maintain a state issued "driver's license," vehicle registration, and forced vehicle insurance.

The state shall not direct its law enforcement in the willful disregard of lawful travel under the appropriate code and section without becoming party to and be responsible for the violation of Constitutional Civil Rights of the Sovereign Freeman.

The state shall not legislate away Affiant's Constitutionally secured Rights , nor compel Affiant to surrender his rights, nor to perform under any contract, or agreement, that Affiant has not entered into KNOWINGLY, VOLUNTARILY, WILLINGLY, AND INTENTIONALLY.

This EXPLICIT Reservation serves NOTICE upon ALL Administrative agencies: Federal, State, Local, or intergovernmental organizations.

- 1) Affiant does not and will not accept the liability associated with and "compelled benefit" of any and all Commercial agreements.
- 2) Any alleged benefits that Affiant may have received through franchise were received with EXPLICIT reservation of all my rights without prejudice.

NUNC PRO TUNC, this 26<sup>th</sup> day of May, 2007.

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I, James-Francis: Murphy, state that the foregoing is true in substance and in fact to the best of my knowledge and belief, and is made in good faith, and that this asseveration could be used as evidence, and that I have personal knowledge of the facts stated herein.

James-Francis : Murphy  
James-Francis: Murphy

**Notice**

Using a notary on this document does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into any foreign jurisdiction, a benefit for the Pagans and Heathens so they whom I pray may become knowledgeable in the truth for the Law by our Holy Father in Heaven and repent, so they will no longer be alienated from their true God, Yahweh.

**JURAT**

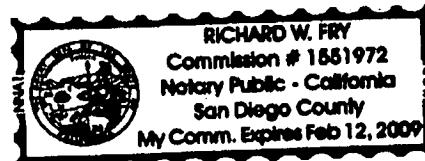
James-Francis : Murphy  
Signer

5-26-07  
Date

State of California ) **AFFIDAVIT OF SUI JURIS/SOVEREIGN STATUS**  
County of San Diego )  
                          ) **DECLINATION OF STATE FRANCHISE**  
                          ) **IN FAVOR OF THE RIGHT TO TRAVEL**

Subscribed and sworn to before me, on this 26<sup>th</sup> day of May, 2007, by  
James-Francis: Murphy, personally known to me to be one of the People who  
appeared before me.

Richard W. Fry, Notary Public



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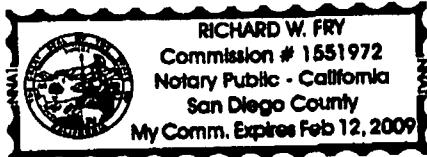
**CALIFORNIA COPY CERTIFICATION BY DOCUMENT CUSTODIAN**

State of California

County of San Diego

} ss.

I, James-Francis: Murphy, hereby swear (or affirm) that the attached reproduction  
 of Affidavit and Declaration is a true, correct, and complete  
 photocopy of a document in my possession.



Place Notary Seal Above

Subscribed and sworn to (or affirmed) before me on  
 this 12<sup>th</sup> day of June, 2007, by

Date \_\_\_\_\_ Month \_\_\_\_\_

James-Francis: Murphy

Name of Custodian of Original Document

 personally known to me proved to me on the basis of satisfactory evidence  
 to be one of the People who appeared before me.

**OPTIONAL**

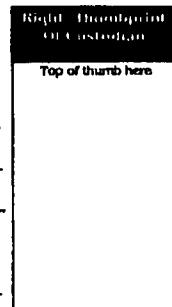
Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document Copy**Title or Type of Document: Affidavit and DeclarationDocument Date: May 26, 2007 Identifying No.: \_\_\_\_\_ No. of Pages: 4

Signer(s) or Issuing Agency: \_\_\_\_\_

**Capacity Claimed by Custodian** Individual  Attorney  Trustee  Business Proprietor or Manager Corporate Officer - Title: \_\_\_\_\_ University or School Officer - Title: \_\_\_\_\_ Governmental Officer or Agent - Title: \_\_\_\_\_ One of the People (Sovereign, sentient being)

Custodian Is Representing: \_\_\_\_\_



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## AFFIDAVIT AND DECLARATION

### CAVEAT AND CONSTRUCTIVE NOTICE

#### MIRANDA WARNING to My Servants (public persons and quasi public persons,) and Franchised Persons

I, James-Francis, of the Murphy family (hereafter known as James-Francis: Murphy), the undersigned Affiant, and of majority age, having firsthand knowledge, hereby affirm and declare that, and if called upon as a witness, I will testify to the following facts which I believe to be true and accurate to the best of my knowledge and understanding.

1. That I, James-Francis: Murphy, Affiant, am a natural, flesh and blood, living sovereign, and one of the People of these United States of the Constitutional Republic and of the California state Republic, do hereby place you, my servants (public persons, quasi-public persons, and franchised persons) on NOTICE IN LAW that ANY ACTION YOU take under COLOR OF LAW (statute, code, regulations, custom or usage of any state) which is contrary to the Constitutional Laws of 1787, and 1791, as lawfully amended, will be cause for legal action against you for unlawful DEPRIVATION of MY UNALIENABLE RIGHTS!
2. Affiant has read, understands and relies upon the following cites as follows:
3. The Fifth (V) Amendment of the united States Constitution for America guaranteeing that, "No person shall be deprived of Life, Liberty, or Property WITHOUT due process of law;"
4. The holding of the court that, "The privilege against self-incrimination is neither accorded to the passive resistant, nor the person who is ignorant of his Rights, nor to one indifferent thereto. It is a fighting clause. Its benefits can be retained only by sustained combat. It cannot be claimed by an attorney or solicitor. It is valid only when insisted upon by a belligerent claimant in person," United States v Johnson, 76 F.Supp. 538.
5. The holding of the court that, "Where Rights secured by the Constitution [of 1787] are involved" there can be no rule making or legislation which would abrogate them." Miranda v Arizona, 348 U.S. 436.
6. The Fourth Amendment (IV) of the united States Constitution of 1791, as lawfully amended, which mandates that ... "the Right of the people to be secure in their persons, papers, and effects against unreasonable searches, and seizures, SHALL NOT be violated. NO warrant shall issue, but upon probable cause, supported by oath and affirmation."
7. Title 18 U.S.C. § 241 of the United States Code mandates that ... "If two or more persons conspire to injure, oppress, threaten, or intimidate any person in the enjoyment of any Right secured to him by the Constitution [of 1787, 1791, as

lawfully amended]... or because of his having exercised the same...they shall be fined ...imprisoned...or both."

8. Title 18 U.S.C., § 1425(b) "Whoever, whether for himself or another person not entitled thereto ...knowingly issues...or obtains...a certificate of arrival, or any certificate of evidence of nationalization, SHALL be fined or imprisoned or both."
9. The paraphrased court ruling held "because of what appears to be a lawful command on the surface, many citizens, because of their respect for what only appears to be a law, are cunningly coerced into waiving their rights, due to ignorance," U.S. v Minker, 350 U.S. 419.
10. Title 18 U.S.C. ...SHALL be exercised and enforced for the protection of all persons. The common law shall be extended to and govern the courts in the trial and disposition of the cause, and if it is of a criminal nature, in the infliction of punishment of the party found guilty.
11. Affiant claims My body, My soul, and My property, and all revenue from My being are property for Affiant according to the Supreme Law of the land and My body, My soul, and My Property do not come under Title 18 U.S.C., Special Maritime Jurisdiction of the UNITED STATES, or Title 28 U.S.C. 3002(15).
12. Affiant does NOT, nor has Affiant in the past, nor will Affiant at any time in the future, waive any of My Rights arising from the natural law and protected by the Supreme Laws of this Republic, the united States of America of 1787, 1791, as lawfully amended. Affiant reserves each and every right of every kind...and I demand that My Servants (public persons, quasi public persons, franchised persons) commence immediately to obey, defend, and support the supreme law of this land, the Constitution for the united States of America of 1787, 1791, as lawfully amended, passed in pursuance and in compliance thereof as they apply to this one, natural, sovereign, who is one of the People of these united States.
13. Affiant waived, effective as of the date of my initial living existence, all privileges, immunities, and benefits arising out of being a mere Fourteenth Amendment "citizen of the United States" as applies to or as affects My person, and Affiant claims all My Rights as guaranteed by the Supreme Law of the Land, the Declaration of Independence, and Constitutions for the United States of 1787, 1791, as lawfully amended, and California state Republic of 1849 as lawfully amended.
14. Unless you are positive you are enforcing LAW, not "COLOR of LAW," and that you have de jure jurisdiction in this situation -- not supposed, assumed, presumed, or usurped de facto jurisdiction, for you to act otherwise would be foolish. It is strongly recommended that you obtain proven verification of Law and Jurisdiction before acting.
15. Affiant will consider any unlawful trespass on property (real and personal) to be a violation of My constitutionally guaranteed Inalienable Rights.

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16. Affiant DEMANDS that you, My Servants (public persons, quasi public persons, franchised persons), Respect, Protect, Obey, and Defend My Constitutional and Inalienable Rights.
17. Any action You take under "Color of law," CONTARY TO LAW, which deprives Me of a Right guaranteed by the Constitution of 1787, 1791, as lawfully amended, will be expensive to you as My Rights are valued at no less than One Million Dollars (\$1,000,000.00), payable ONLY in gold bouillon for each violation, and will subject You to civil penalties under Title 28 U.S.C. and criminal penalties under Title 18 U.S.C. and any other applicable laws.

**TO ALL PERSONS LISTED ABOVE WHO HAVE IN THE PAST VIOLATED MY RIGHTS OR MAY IN THE FUTURE VIOLATE MY RIGHTS:**

- ◆ You have the right to remain silent;
- ◆ Anything you say can and will be used against you in a court of Law;
- ◆ You have the right to an attorney and have him present with you while being questioned;
- ◆ If you cannot afford to hire an attorney, the "commune" will appoint one to represent you before any questioning, if you wish.

Further Affiant saith not.

Dated this 26<sup>th</sup> day of May, 2007.

James-Francis: Murphy

James-Francis: Murphy  
A Belligerent Claimant of His Rights and  
One of the People of the California state Republic  
c/o 807 Hymettus Avenue  
Encinitas [92024] California Republic

I hereby declare under the penalty of perjury of the Laws of these United States of the Constitutional Republic of 1787, 1791, as lawfully amended, that the foregoing is true and correct as executed this 26<sup>th</sup> day of May, 2007.

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**Notice**

Using a notary on this document does not constitute any adhesion, nor does it alter my status in any manner. The purpose for notary is verification and identification only and not for entrance into any foreign jurisdiction, a benefit for the Pagans and Heathens so they whom I pray may become knowledgeable in the truth for the Law by our Holy Father in Heaven and repent, so they will no longer be alienated from their true God, Yahweh.

**JURAT**

James-Francis: Murphy  
Signer

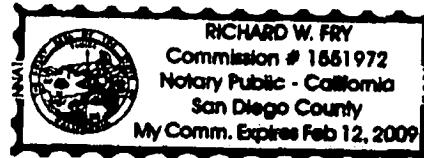
5-26-07  
Date

State of California )  
                          ) SS. **AFFIDAVIT AND DECLARATION**  
County of San Diego )

Subscribed and sworn to before me, on this 26<sup>th</sup> day of May, 2007, by  
James-Francis: Murphy,

Personally known to me  
 Proved to me on the basis of satisfactory evidence  
~~to be one of the People who appeared before me.~~

Richard W. Fry, Notary Public



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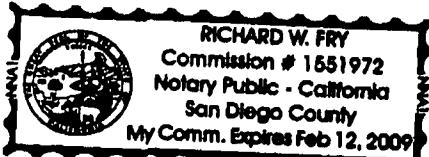
**CALIFORNIA COPY CERTIFICATION BY DOCUMENT CUSTODIAN**

State of California

County of San Diego

} 88.

I, James-Francis: Murphy, hereby swear (or affirm) that the attached reproduction of Oath of Allegiance is a true, correct, and complete photocopy of a document in my possession.



Place Notary Seal Above

James-Francis: Murphy  
 Signature of Custodian of Original Document  
807 Hyattus Ave Encinitas, Calif. Republic  
 Address

Subscribed and sworn to (or affirmed) before me on  
 this 12<sup>th</sup> day of June, 2007, by

Date \_\_\_\_\_ Month \_\_\_\_\_

James-Francis: Murphy

Name of Custodian of Original Document

 personally known to me proved to me on the basis of satisfactory evidence  
 to be one of the People who appeared before me.

Signature of Notary Public

**OPTIONAL**

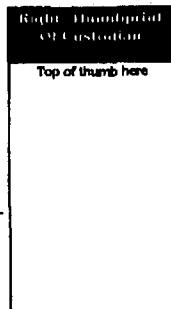
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**Description of Attached Document Copy**Title or Type of Document: Oath of AllegianceDocument Date: May 26, 2007 Identifying No.: \_\_\_\_\_ No. of Pages: 1

Signer(s) or Issuing Agency: \_\_\_\_\_

**Capacity Claimed by Custodian** Individual  Attorney  Trustee  Business Proprietor or Manager Corporate Officer - Title: \_\_\_\_\_ University or School Officer - Title: \_\_\_\_\_ Governmental Officer or Agent - Title: \_\_\_\_\_ One of the People (Sovereign, sentient being)

Custodian Is Representing: \_\_\_\_\_



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**Oath of Allegiance**

I, James-Francis, of the Murphy family (hereinafter James-Francis: Murphy,) one of the People of the California state Republic, hereby make a Declaration of Allegiance to the California state Republic. I will defend and protect the 1849 Constitution for California, as lawfully amended, from all enemies, both foreign and domestic. This Declaration supersedes and makes null and void all previous Declarations that I may have made to any foreign state or foreign corporation(s).

James-Francis: Murphy

James-Francis: Murphy  
 One of the People of the California state Republic  
 c/o 807 Hymettus Avenue  
 Encinitas  
 San Diego county, California Republic

**Notice**

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**JURAT**

James-Francis: Murphy  
 Signer

5-26-07  
 Date

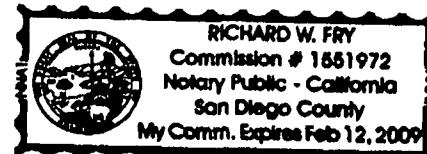
State of California )  
 ) ss.  
 County of San Diego )

Subscribed and sworn to before me, on this 26<sup>th</sup> day of May, 2007, by James-Francis: Murphy,

Personally known to me  
 Proved to me on the basis of satisfactory evidence

to be one of the People who appeared before me.

Richard W. Fry, Notary Public



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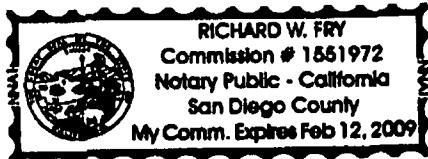
**CALIFORNIA COPY CERTIFICATION BY DOCUMENT CUSTODIAN**

State of California

County of San Diego

} ss.

I, James-Francis: Murphy,  
Name of Custodian of Original Document  
 of Revocation of Power of Attorney,  
Description of Original Document  
 photocopy of a document in my possession.



Place Notary Seal Above

James-Francis: Murphy  
Signature of Custodian of Original Document  
807 Hyattus Ave, Encinitas, Calif Republic  
Address

Subscribed and sworn to (or affirmed) before me on  
 this 12<sup>th</sup> day of June, 2007, by

James-Francis: Murphy  
Name of Custodian of Original Document

personally known to me  
 proved to me on the basis of satisfactory evidence  
 to be one of the people who appeared before me.

James-Francis: Murphy  
Signature of Notary Public

**OPTIONAL**

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document Copy**

Title or Type of Document: Revocation of Power of Attorney

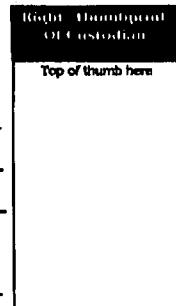
Document Date: May 26, 2007 Identifying No.: \_\_\_\_\_ No. of Pages: 1

Signer(s) or Issuing Agency: \_\_\_\_\_

**Capacity Claimed by Custodian**

Individual  Attorney  Trustee  Business Proprietor or Manager  
 Corporate Officer - Title: \_\_\_\_\_  
 University or School Officer - Title: \_\_\_\_\_  
 Governmental Officer or Agent - Title: \_\_\_\_\_  
 One of the People (Sovereign, sentient being)

Custodian Is Representing: \_\_\_\_\_



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## REVOCATION OF POWER OF ATTORNEY

I, James-Francis, of the Murphy family, hereinafter James-Francis: Murphy one of the People of the California state Republic, domiciled in the San Diego county and a de jure, Sui Juris Citizen thereof, hereby revoke, rescind, and make void ab initio, all powers of attorney, in fact or otherwise, implied in law or otherwise, signed either by Me or anyone else, as it pertains to former social security number [REDACTED] [REDACTED], birth certificate, marriage license, driver's license, and any and all other licenses, and or certificates issued by any and all governmental and quasi governmental entities, due to use of various elements of FRAUD by said agencies to deprive Me of My California state Republic Citizenship and Immunities. I hereby waive, cancel, repudiate, and refuse to knowingly accept any compelled benefit and or gratuity attached to the above mentioned items.

I, James-Francis: Murphy, do hereby revoke and rescind all powers of attorney, in fact or otherwise, implied in law or otherwise, with or without consent and/or knowledge, as it pertains as to any and all property, real or personal, corporeal or incorporeal, obtained in the past, present or future. I am the sole and absolute legal owner and possess allodial title to any and all such property.

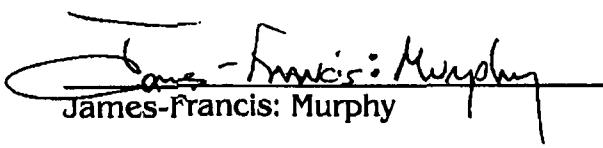
I hereby state knowing the penalty of bearing false witness before My Creator, hereby certify and verify that the foregoing is true and correct, not brought to vex, annoy, delay, or any improper purpose, believing that it is firmly justified by right and law, that My above statements in this Revocation of Power of Attorney are true, correct, and not misleading.

  
\_\_\_\_\_  
James-Francis: Murphy, One Of The People Of The California state Republic

### Notice

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### JURAT

  
\_\_\_\_\_  
James-Francis: Murphy

5-26-07

Date

State of California

)

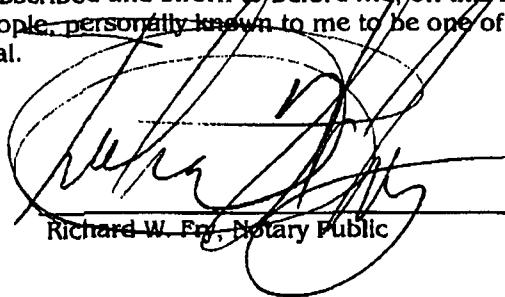
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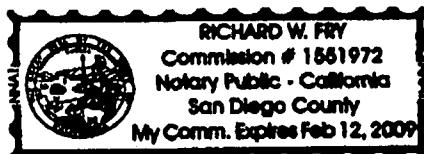
County of San Diego

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### REVOCATION OF POWER OF ATTORNEY

Subscribed and sworn to before me, on this 26<sup>th</sup> day of May, 2007, by James-Francis: Murphy, one of the People, personally known to me to be one of the People who appeared before me. Witness my hand and seal.

  
\_\_\_\_\_  
Richard W. Fry, Notary Public



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